

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,) No. 05-CR-440-1

v.

VOLUME III

ALTON COLES, et al,

Philadelphia, PA

Defendants.

February 7, 2008

9:24 a.m.

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TRANSCRIPT OF TRIAL

BEFORE HONORABLE R. BARCLAY SURRECK
UNITED STATES DISTRICT COURT JUDGE

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I N D E X

<u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
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Kimberly Brodbeck	17 (Llo)	35 (War)	56 (Llo)	
		40 (Smi)		
John Bowman	58 (Bre)			
	126 (Bre)	129 (Het)		
		138 (Tho)		
		143 (Har)		

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Colloquy in regard to Motions

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1 (The following was heard in open Court at 9:24 a.m.)

2 THE COURT: Counsel, are we ready to proceed?

3 MR. LLORETT: We are, Your Honor. If I may check
4 and see if our long lost witness is outside? She called in
5 sick. She was on the bridge about ten minutes ago so
6 hopefully --

7 UNIDENTIFIED SPEAKER 1: She's on the bridge?
8 Testifying is that scary?

9 THE COURT: Before you bring the jury out, Mike, go
10 ahead and see whether she's here.

11 UNIDENTIFIED SPEAKER 1: We'll talk her off the
12 bridge.

13 MR. LLORETT: She was driving across the bridge.

14 UNIDENTIFIED SPEAKER 1: She probably knew she was
15 coming to see you. That's why she was on the bridge.

16 (Pause in proceedings.)

17 MR. LLORETT: Excuse me, Your Honor? Since I think
18 it's the Government's plan to get to the Grand Jury transcript
19 at some point after this first witness, did Your Honor have a
20 ruling with respect to that or did you want to let the jury
21 out later --

22 THE COURT: I can do that. Let's see whether the
23 witness is here. If she's not, we'll deal with that issue.

24 MR. LLORETT: Thank you.

25 (Pause in proceedings.)

Colloquy in regard to Motions

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1 COURTROOM DEPUTY: Yes, Your Honor.

2 THE COURT: Is she here?

3 COURTROOM DEPUTY: Yes, Your Honor.

4 THE COURT: Well, before we call her, let's deal
5 with the Grand Jury testimony --

6 MR. LLORETT: Very well, Your Honor.

7 THE COURT: -- and it will just take a couple of
8 minutes.

9 MR. LLORETT: Okay.

10 THE COURT: All right, counsel? Mr. Hetznecker --

11 MR. HETZNECKER: Yes, Your Honor.

12 THE COURT: -- filed a motion in limine to exclude
13 certain testimony of the Grand Jury and to add certain other
14 testimony. I'm going to go through the requests and deal with
15 them. On Tab 170, the Government intends to play pages two
16 through ten. Defendant wants to add pages 15 through 21.
17 Defendant contends that this puts the testimony in context.
18 The defendant's request is denied.

19 The requested portions are not necessary to put the
20 testimony that the Government's going to offer in context and
21 they're not relevant or explanatory.

22 Tab 171, the Government intends to play page 31
23 through 39. This is testimony about where the defendant got
24 the money and how much money it was. Defendant wants to add
25 pages 23 through 31. This is a discussion by the Assistant

1 United States Attorney in which there was an indication that
2 drugs were found in the house. This was a mistake. The
3 defendant wants to add this indicating that it shows the
4 defendant Thompson's state of mind. Defendant -- defendant's
5 request is denied. The testimony does not explain anything or
6 put anything in context.

7 The defendant has requested page 112 be played and
8 the Government intends to play that, as I understand it, is
9 that correct?

10 MR. BRESNICK: Your Honor, I had difficulty hearing
11 that last part. The Government intends to play what?

12 THE COURT: Page 112. The Government intends to
13 play that; defendant's requested it and the Government intends
14 to play it.

15 MR. BRESNICK: I don't believe 112 is in the
16 Government's selections, Your Honor.

17 THE COURT: I believe in your submission you
18 indicated that you would play it.

19 MR. BRESNICK: Then perhaps I'm mistaken, Your
20 Honor. If you could point me to that? I'm looking at Tab
21 179, that is page --

22 THE COURT: We're not -- we're not --

23 MR. BRESNICK: Oh.

24 THE COURT: Take a look at page 112, Mr. Bresnick.
25 This was the --

Colloquy in regard to Motions

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1 MR. BRESNICK: Oh, yes. Yes, Your Honor.

2 THE COURT: -- questions by the Grand Juror --

3 MR. BRESNICK: Yes.

4 THE COURT: -- about the money.

5 MR. BRESNICK: Yes, of course. That's fine, Your
6 Honor.

7 THE COURT: All right. I would indicate that the
8 motion in this case and the responses were very confusing. It
9 took quite a while to determine just exactly where we were --
10 what sections we were dealing with.

11 All right, Tab 172, the Government intends to play
12 pages 39 through 41. This concerns the grandfather not
13 trusting banks. The defendant wants to add 24 to 31
14 indicating that that puts the whole testimony in context.
15 This, again, is an indication that there were drugs found in
16 the house. The defendant's request is denied. It's not
17 necessary for completeness. Two different subjects.

18 Tab 173, the Government intends to play pages 41
19 through 45 and this deals with counting the money, and 45
20 through 51. This deals with other guns in the house and with
21 ammunition and target practice. And the Government also
22 intends to play 52 through -- 52, line eight, through line 22
23 dealing with the digital scale, and page 52, line 23, with
24 regard to Morris.

25 The defendant's request is denied or the defendant's

1 objection is denied. The money counter, the guns, the
2 ammunition in the house, target practice, the digital scale
3 are all relevant and admissible evidence on the charges
4 against Ms. Thompson in the indictment and there's no danger
5 of unfair prejudice.

6 Tab 174, as I understand it, there's no dispute with
7 regard to that tab.

8 Tab 175 and 176, the Government intends to play
9 this, the section dealing with paying Alton Coles' lawyer and
10 specifically paying \$25,000 to Coles' lawyer. The defendant
11 has requested that pages 87 and 88 be played. They -- the
12 defendant suggested this is necessary to show that the
13 defendant did not know Ace or Alton Coles very well.

14 The defendant's request in this regard is denied.
15 It's not necessary to put -- the requested portion is not
16 necessary to put the testimony that the Government intends to
17 offer in context or to explain that testimony.

18 Tab 177, the Government intends to play page 103,
19 line ten, through 104, line six, and this deals with the
20 defendant putting money in different locations in her house.
21 The defendant objects, says that this is not relevant to the
22 perjury charge. That objection is overruled. The testimony
23 is directly relevant.

24 Tab 178, the Government intends to play the
25 questions by the U.S. Attorney with regard to whether or not

1 the defendant spoke to her attorney during a break. The
2 defendant objects that this is prejudicial and has no
3 probative value. I agree. The defendant's objection is
4 sustained. That section shall not be played.

5 Tab 179, the Government intends to play page 107,
6 line one, to page 109, line 23, and this deals again with the
7 money and whether the money was held in rubber bands and what
8 the denominations of the bills were. I'm not sure I
9 understand what the defendant's objection is to that.

10 Mr. Hetznecker, can you enlighten me?

11 MR. HETZNECKER: Your Honor, in light of Your
12 Honor's rulings on the previous issues, I assume that the
13 Government's tab on that would be granted. I argued that that
14 particular line of questioning had to be put in context with
15 the other questions that were asked before regarding --
16 earlier on on pages 24 to 31 -- but in light of Your Honor's
17 ruling, I understand why the Government wants to bring it in.

18 Again, I don't think that that particular line of
19 questioning is relevant to the charges -- the perjury charges.
20 I think it's -- I think it's irrelevant with respect to the
21 perjury charges because she's not charged with anything with
22 respect to how the money was packaged or the denominations of
23 the money that was recovered.

24 THE COURT: All right, I understand your position.
25 It was not clear from the submission but your position is on

1 the record.

2 Tab 180, the Government intends to play page 116,
3 line 123, through 129, line 17. The discussion up to page 126
4 is about kilo wrappers and then at 126 the discussion begins
5 about whether the defendant reported the money which she got
6 from her grandfather to the Internal Revenue Service. The
7 defendant objects to the testimony with regard to the kilo
8 wrappers and the testimony with regard to the IRS.

9 I reviewed my notes on this and I'm going to sustain
10 this objection as there was no testimony with regard to kilo
11 wrappers being found in the house. There was testimony about
12 Saran Wrap but in other parts of this case there has been
13 specific identification of kilo wrappers. I do not believe
14 that there was any such identification in the Burden Hill
15 search so the objection is sustained.

16 And with regard to the IRS reporting, I'm going to
17 sustain that objection also. I think that the prejudice far
18 outweighs the probative value.

19 MR. BRESNICK: Your Honor, in this tab there is
20 additional testimony about the ammunition. What's Your
21 Honor's ruling with respect to that? And that is -- it looks
22 like it's starting at -- well actually the money counter, that
23 starts at page 121, line 13, and then there's the discussion
24 about the ammunition which goes through 125 --

25 THE COURT: So 121, line 13, through --

1 MR. BRESNICK: Yes, Your Honor, 121, line 13,
2 through page 125, line 25, or 126, line one.

3 THE COURT: The objection to that testimony is
4 overruled, that testimony with regard to the money counter,
5 and as I've indicated already, is relevant. I think we're at
6 Tab 181. The Government intends to play page 130, lines two
7 through 14. The defendant in that section is talking about
8 the money in the house being hers and not Morris's and the
9 defendant objects indicating that he believes this is a Bruton
10 issue.

11 The defendant's objection is overruled. This is not
12 a Bruton issue. The defendant also requests that if this is
13 going to be played that pages 18 through 21 should be read to
14 put the testimony in context. That request is denied. I
15 don't believe pages 18 through 21 accomplish that at all.

16 Tab 182, the Government wants to play page 130, line
17 18, through 131, line nine, having to do with the purchasing
18 of a car lot with the money. The defendant again indicates
19 again that this is a Bruton issue. The Court disagrees. I do
20 not believe it's a Bruton issue. I believe that that's
21 evidence that's admissible and I overrule the defendant's
22 objection.

23 MR. HETZNECKER: Your Honor, may I be heard just on
24 one point --

25 THE COURT: Go ahead.

1 MR. HETZNECKER: -- just for the record? I'm sorry.
2 We, throughout the trial, haven't been able to see you because
3 I've been over here. May I step to the right?

4 THE COURT: You certainly may.

5 MR. HETZNECKER: I'd like to put my objection in
6 context. This has been a difficult trial to try because
7 essentially most of the evidence has not been directly against
8 my client, Thais Thompson, and in particular, I cannot cross-
9 examine Grand Jury tapes.

10 But what I can do is put -- bring into light the
11 context of all of the questions that followed the initial
12 questioning about the drugs found at the location of 5 North
13 Burden Hill Road. Specifically, Mr. Llorett asked my client,
14 as Your Honor knows, on page 24, "Are you aware, ma'am, that
15 there were drugs found inside your home at 5 North Burden Hill
16 Road?" Now --

17 THE COURT: And, Mr. Hetznecker, that was a mistake.
18 There weren't drugs found there. There's no question about
19 that.

20 MR. HETZNECKER: But that was never cleared up at
21 the Grand Jury. That part of it was never cleared up. In
22 fact, what Mr. Llorett does is he segues from questions about
23 drugs found at North Burden Hill Road in a long discussion
24 with her back and forth about I didn't know there were any
25 drugs, I saw it in a newspaper article on October 6th.

1 And then he segues into, "There were drugs found in
2 your -- in a car at that location." Never does he say, ma'am,
3 I want to correct my misstatement, my mistake. So the state
4 of mind of my client is absolutely critical in this case
5 because otherwise, I cannot argue in context to the jury that
6 my client's position -- what her state of mind is at the time
7 when she's asked about something that is absolutely not
8 accurate.

9 And I'm not saying that Mr. Llorett did that on
10 purpose. In fact, I don't believe he did. But -- but that
11 doesn't matter. What matters is her receipt of that
12 information and how she responded throughout the course of her
13 questioning. There are ten questions.

14 As I mentioned in my followup submission, there are
15 ten questions that follow the questions about the drugs found
16 inside the home and the drugs found inside the car at 5 North
17 Burden Hill Road and whether she was aware of that, right into
18 the segue on page 31 on the questions about the money. His
19 framing of the question is exactly the same, "Ma'am, are you
20 aware that \$559,000 was found inside your home?" That's
21 literally six pages away.

22 It's about ten questions from the initial
23 misstatement of Mr. Llorett in the Grand Jury and I think,
24 Your Honor, for the jury to hear this perjury case and pass
25 upon whether or not she intentionally lied about a material

1 fact, without having the context, which is that there was a
2 clear misstatement by the prosecutor which was never corrected
3 about where the most critical piece of evidence in this case
4 was found, which is the half-a-kilogram of cocaine found at 5
5 North Burden Hill Road, in a car, not in the home.

6 For her to be confronted with that in the initial
7 questioning and not for the jury to hear it I think is greatly
8 prejudicial to my case. I cannot cross-examine tapes.

9 THE COURT: All right.

10 MR. HETZNECKER: I'm at a grave disadvantage here.

11 THE COURT: I understand.

12 MR. HETZNECKER: The only way I can argue what I
13 want to argue to the jury without revealing it here now is to
14 have that put into context and pages 24 through 31 read.

15 THE COURT: I understand your position, Mr.
16 Hetznecker. I've ruled. You have an exception.

17 MR. HETZNECKER: Thank you.

18 THE COURT: All right. Is the Government ready to
19 go now?

20 MR. LLORETT: Yes, Your Honor.

21 THE COURT: All right.

22 (Jury enters the courtroom, 9:44 a.m.)

23 COURTROOM DEPUTY: Please rise.

24 THE COURT: Okay. Have a seat, ladies and
25 gentlemen. Mr. Llorett, will you call your witness?

1 MR. LLORETT: Yes, Your Honor. The Government calls
2 Kim Brodbeck.

3 COURTROOM DEPUTY: Please raise your right hand.

4 KIMBERLY BRODBECK, GOVERNMENT'S WITNESS, SWORN

5 COURTROOM DEPUTY: Please state your full name and
6 spell your last name for the record.

7 THE WITNESS: Kimberly Brodbeck, B-R-O-D-B-E-C-K.

8 THE COURT: Speak right into the microphone.

9 THE WITNESS: Okay.

10 MR. LLORETT: And you can pull that forward if it's
11 convenient.

12 DIRECT EXAMINATION

13 BY MR. LLORETT:

14 Q Ma'am, where do you work?

15 A Legacy Title.

16 Q All right. And what is Legacy Title?

17 A A title company.

18 Q And what does a title company do?

19 A Conducts closings and issues title insurance.

20 Q Closings for what kind of transactions?

21 A Real estate purchase transactions.

22 Q Now, were you working for Legacy Title back in 2005 and
23 specifically the end of July of 2005?

24 A Yes.

25 Q And I want to show you what's been marked Number 713B and

1 ask you what that is.

2 A This is a HUD-1 Closing Statement.

3 Q What is a HUD-1 Closing Statement?

4 A Basically it's the finalization of the transaction.

5 Q All right. And the document that we're looking at on the
6 screen, is that the correct one, the first page there? And I
7 -- this should be 713B -- Bravo.

8 A On the screen it looks like that is the second page. Oh,
9 there's the first page.

10 Q That's the first page there?

11 A Yes.

12 Q Is that the same document that you're looking at in front
13 of you?

14 A Yes.

15 Q What's the date on the document you're looking at?

16 A July 29th, 2005.

17 Q And who are the parties to this transaction?

18 A NVR, Inc., as the seller, Asya Richardson as the
19 purchaser.

20 Q Do you know who NVR, Inc. is?

21 A Yes.

22 Q Who are they?

23 A They are the builder, Ryan Homes.

24 Q All right. Just if you could describe for the jurors
25 briefly, what does a title clerk do at a settlement? What did

1 you do at settlement?

2 A Basically we finalized the transaction, we conduct the
3 mortgage closing, we get the documents from the lender, have
4 them signed, notarized, sent back to the lender, release the
5 proceeds of sale to the seller, collect the funds from the
6 purchaser.

7 Q Okay. And do you also -- eventually does your company
8 also file the records in the public record concerning the
9 property?

10 A Yes, we record the documents and then issue the title
11 insurance.

12 Q What real property did this particular settlement concern
13 that you're looking at?

14 A 117 Dillon's Lane in Mullica Hill.

15 Q And that's in Gloucester County, New Jersey?

16 A Yes, Harrison Township.

17 Q All right. Who was the seller -- or, who was the buyer
18 again?

19 A Asya Richardson.

20 Q All right.

21 MR. LLORETT: Your Honor, I move the admission of
22 713B.

23 MR. SMITH: No objection, Your Honor.

24 MR. WARREN: No objection, Judge.

25 THE COURT: It will be admitted.

1 MR. LLORETT: And if we could just look at this
2 briefly with the jury, if we could just -- Ms. Horay, if you
3 could blow the top up so we could walk through it with the
4 Clerk.

5 BY MR. LLORETT:

6 Q Ms. Brodbeck, the top of the form, I see your agency is on
7 the left hand side at the top, is that right?

8 A Correct.

9 Q And going down, it lists the borrower, is that right?

10 A Yes.

11 Q Who is that?

12 A Asya Richardson.

13 Q And it lists the seller and we've already talked about
14 that, is that right?

15 A Yes.

16 Q Who's the mortgage company?

17 A Chase Bank.

18 Q And their address and so forth is there?

19 A Correct.

20 Q There's a brief description of the property, is that
21 right?

22 A Yes.

23 Q Then your name appears, is that right --

24 A Yes.

25 Q -- below that?

1 A Yes.

2 Q Okay. Ma'am, just preliminarily, you've looked at the
3 Legacy Title file in this, is that right?

4 A Yes.

5 Q Okay. And you produced it here or Legacy Title has
6 produced it and you've reviewed it, is that right?

7 A Correct.

8 Q Okay. Is this the file -- Number 713?

9 A Yes, it is.

10 MR. LLORETT: Your Honor, this has been previously
11 agreed to be moved into evidence by stipulation.

12 MR. SMITH: That's correct, Judge.

13 THE COURT: All right. It's admitted.

14 MR. LLORETT: Thank you, Your Honor.

15 BY MR. LLORETT:

16 Q Now, ma'am, do you have specific recollection of this
17 settlement in particular?

18 A Specifically, no.

19 Q Okay. About how many settlements do you do a year, if you
20 can tell us?

21 A Close to a hundred.

22 Q All right. And this was in 2005?

23 A Yes.

24 Q Okay. Anything remarkable about this settlement that
25 caused you to remember or just --

1 MR. SMITH: Objection, Your Honor. She testified
2 she has no specific recollection.

3 THE COURT: She certainly did.

4 MR. LLORETT: Certainly.

5 THE COURT: Objection sustained.

6 BY MR. LLORETT:

7 Q But you are familiar with the files, is that correct?

8 A Correct.

9 Q Okay. And that is drawn from the Legacy Title file, that
10 HUD statement?

11 A Yes, it is.

12 Q Okay. Now, if we can go down that file, can you tell us,
13 does the contract price or the sales price of the house
14 appear?

15 A Yes, it does.

16 Q What is it?

17 A 466,690.

18 Q And is that at the sort of top of the columns that we are
19 seeing in front of us?

20 A Yes, it's line 101 and 401.

21 Q Okay. And does the total amount of down payment, so to
22 speak, appear on this form as well?

23 A The initial deposit is on line 201.

24 Q And what was that?

25 A 40,000.

1 Q And does it appear on the form anywhere when that initial
2 deposit was made or it just has the deposit itself?

3 A It just has the deposit itself.

4 Q Okay. Was there any additional deposit beyond the initial
5 deposit, based on this form?

6 A Other than what she needed at closing, no.

7 Q Does that -- what she needed at closing, appear on the
8 form?

9 A Yes, line 303.

10 MR. LLORETT: If we can scroll down.

11 BY MR. LLORETT:

12 Q You can show us line 303 -- is that further toward the
13 bottom than what we're looking at here?

14 A Yes, down toward -- all the way down the bottom.

15 Q Okay. Can you point out to us line 303?

16 MR. LLORETT: And perhaps we can blow up the bottom.

17 BY MR. LLORETT:

18 Q Is that on the bottom left?

19 A Bottom left.

20 Q Okay.

21 MR. LLORETT: If we can blow up the bottom left
22 there.

23 BY MR. LLORETT:

24 Q All right, do you see the -- the additional monies?

25 A Yes. The total is the 69,334.45, which is her bottom line

1 she needed initial -- remainder of the deposit plus closing
2 costs.

3 Q So the total deposits were \$40,000 as indicated above and
4 then this figure at the bottom?

5 A Well, the figure at the bottom also includes closing
6 costs.

7 Q Okay. So there's -- that's closing costs plus any
8 additional funds for the purchase of the house, is that right?

9 A Correct.

10 Q Okay. And that total is 69,334.45?

11 A Correct.

12 Q All right. I want to show you -- oh, by the way, looking
13 at the whole document, if we could, at the very bottom of the
14 document in front of you, is there signatures?

15 A Yes.

16 Q Can you tell us whose signatures appear?

17 A The borrower, Asya Richardson and the seller, NVR, Inc.,
18 and myself.

19 Q Who signed for NVR, Inc.?

20 A On this particular one, Kevin Summerville (phonetic),
21 initialed by me.

22 Q All right. And is it your normal practice to obtain the
23 signatures of each of the individuals on this document at
24 settlement?

25 A Yes, but the -- Kevin Summerville was not present at the

1 time of closing. His signature was obtained by fax.

2 Q Okay. Now, was Ms. Richardson present at the time of
3 closing?

4 A Yes.

5 Q Okay. Let's look at Number 713A and I want to show you
6 that. Do you know what that is, 713A?

7 A This is our deposit slip from closing.

8 Q What is that? What's the deposit slip represent?

9 A Funds that the purchaser brought to closing.

10 Q And can you tell us as we --

11 MR. LLORETT: -- there we are, thank you, Ms. Horay.
12 Well, Your Honor, I'll move the admission of 713A and it's by
13 stipulation.

14 MR. SMITH: Again, stipulated, Your Honor.

15 THE COURT: Admitted.

16 MR. WARREN: Agreed, Your Honor.

17 BY MR. LLORETT:

18 Q Ma'am, can you tell us what the borrower deposited to the
19 settlement? Or not the borrower -- I'm sorry -- yes, it is
20 the borrower.

21 A It looks like \$74,000 total.

22 Q Okay. And is there a second page to that document? What
23 is the second page?

24 A Copies of the checks.

25 Q And what -- what does that mean, with the copies of the

1 checks from whom, to whom, and what are they for?

2 A These are copies of the three checks presented at the time
3 of closing.

4 Q Can you tell us, the top document that we're looking at on
5 the screen, what is that?

6 A A copy of the \$49,000 check.

7 Q And who is it made payable to?

8 A Alton Coles.

9 Q And can you look at the back of the check which appears
10 below it and tell us who endorsed it?

11 A Alton Coles.

12 Q Do you know if Mr. Coles was at settlement or not?

13 A I would not have accepted the check if he was not present
14 to endorse it.

15 Q Okay.

16 MR. LLORETT: Can we look at the next item?

17 BY MR. LLORETT:

18 Q And are you looking at the same item that we're looking at
19 right now?

20 A Yes.

21 Q Okay. What is that?

22 A A copy of the -- another check issued at closing.

23 Q And to whom is it made payable?

24 A It's kind of hard to read.

25 Q Okay.

1 A Asya Richardson, but there's other language after that but
2 I can't quite read it.

3 Q All right.

4 MR. LLORETT: If we can go down on the screen, just
5 scroll down a little bit and move down.

6 BY MR. LLORETT:

7 Q Is that visible to you? Can you read that?

8 A It looks like --

9 MR. SMITH: Your Honor, I'll stipulate that my
10 client's name is on the check.

11 THE COURT: All right.

12 MR. WARREN: I'll stipulate that my client's name is
13 on there as well, Judge.

14 THE COURT: All right.

15 MR. LLORETT: Okay. Thank you.

16 BY MR. LLORETT:

17 Q Looking back, how much was that check for?

18 A 19,000.

19 Q And looking at the endorsement, who endorsed it?

20 A Asya Richardson and Alton Coles.

21 Q All right.

22 MR. LLORETT: And the final document in that set,
23 713A?

24 BY MR. LLORETT:

25 Q Are we looking at the same thing on the screen that you're

1 looking at in front of you?

2 A Yes.

3 Q Okay. What is that document?

4 A A \$6,000 check payable to Asya Richardson.

5 Q All right. And who is it payable from? Who -- who's the
6 person making the payment?

7 A The remitter?

8 Q Yes, ma'am.

9 A It looks like Haseen Coles -- Naseen Coles?

10 MR. LLORETT: Can we blow that up?

11 BY MR. LLORETT:

12 Q Can you read that --

13 A No --

14 Q -- or spell it for us?

15 A N-A-S-E-E-N --

16 Q All right.

17 A -- Coles.

18 Q And this is for \$6,000, is that correct?

19 A Correct.

20 Q And who, if you look at the endorsement, who endorses the
21 check on the back?

22 A Asya Richardson.

23 Q All right. Now, ma'am, I'd like you to look at Number
24 712A -- Alpha.

25 MR. LLORETT: And again, Your Honor, by stipulation.

1 BY MR. LLORETT:

2 Q Ma'am, do you recognize 712A -- Alpha?

3 A Yes. It's a residential loan application.

4 Q What is a residential loan application?

5 A It's a document the lender sends to closing with the
6 borrower's information.

7 Q All right. What type of information is that?

8 A Basically the information provided from the borrower to
9 the lender at the time of the application for approval of the
10 loan.

11 Q All right. Is the copy that you have signed?

12 A Yes.

13 Q By whom is it signed?

14 A Asya Richardson.

15 Q And what's the date?

16 A July 29th, 2005.

17 Q And is this a document that is signed typically at
18 settlement?

19 A Yes, it is.

20 Q Just take a look at the copy. If you go to the first
21 page, let me ask just generally, ma'am, do you explain
22 documents at settlement?

23 A We are not attorneys, we don't typically explain the
24 documents, we identify the document.

25 Q Okay. And when you say identify the documents, what do

1 you typically do?

2 A When we typically get to the loan application, we tell
3 them it's a typed of version of their initial loan application
4 provided by the lender.

5 Q All right. Do you instruct typically the borrower to sign
6 it or what do you do in terms of --

7 UNIDENTIFIED SPEAKER: Objection to what she
8 typically does, Your Honor. She has no recollection as to
9 this settlement.

10 MR. LLORETT: Your Honor, I think her normal
11 practice is --

12 THE COURT: Go ahead and ask the proper questions.

13 MR. LLORETT: Thank you.

14 BY MR. LLORETT:

15 Q Ma'am, what is your normal practice with respect to these
16 documents in terms of how you treat them at settlement and
17 what you do with them vis-a-vis the buyer?

18 A Well, it's a requirement of the lender that all of their
19 documents be signed prior to disbursing their funds, so we
20 have to instruct the buyer or the borrower where to sign.

21 Q I see. Okay.

22 MR. LLORETT: Your Honor, I'd like to show the
23 witness Number 712D.

24 BY MR. LLORETT:

25 Q And do you recognize what 712D is?

1 A Yes.

2 Q What is 712D?

3 A Basically it's an authorization from the borrower to the
4 lender for them to verify the information they supplied to
5 them.

6 Q All right. Is that document signed?

7 A Yes, it is.

8 Q By whom?

9 A Asya Richardson.

10 Q And when was it signed?

11 A July 29th, 2005.

12 Q And s this a document that is collected by you at
13 settlement?

14 A Yes, it is.

15 Q Again, is it your normal practice to present this to the
16 borrower for signature?

17 A Yes, it is.

18 Q Okay.

19 MR. LLORETT: Specifically, if we could blow up the
20 top part of this document?

21 BY MR. LLORETT:

22 Q Again, did you explain this document or simply introduce
23 the document to the witness -- or to the -- to the individual?

24 A I would have introduced it.

25 Q Okay. Is that just for the brief description of what the

1 document is?

2 A Yes.

3 Q Okay, and let's go down this document. There's a space
4 marked "Certification," is that correct?

5 A Yes.

6 Q And then there's a space marked "Authorization," is that
7 right?

8 A Yes.

9 Q And then below that, signature line?

10 A Yes.

11 Q Okay. And a Social Security Number?

12 A Correct.

13 Q And whose Social Security Number is that?

14 A It should be the borrower's, Asya Richardson's.

15 Q Okay. Is that something you print or type in or the
16 lender does or the borrower or do you do that?

17 A The lender fills that information in.

18 Q Okay. The lender provides you with documents for
19 signature?

20 A Correct.

21 Q Okay. And then you are the person who has to collect the
22 signatures and process the loan, is that right?

23 A Yes.

24 Q Okay. Ma'am, I'd also like to show you a couple of more
25 documents. Number 712B -- do you recognize what that is?

1 A This is the purchase agreement.

2 Q And is that a document that you're familiar with?

3 A Yes.

4 Q Is that part of the settlement documents as well?

5 A No.

6 Q Okay. But it is a document that you're familiar with in
7 terms of your file, is that right?

8 A Correct.

9 Q Okay. And who is the signature on that particular
10 document? Who are the signatures?

11 A Asya Richardson and Alton Coles.

12 Q And the date of that document?

13 A February 20th, 2005.

14 Q All right. And finally, Number 712C and I'll ask you what
15 that document is.

16 A And addendum to the purchase agreement.

17 Q Okay. And does that relate to 712B?

18 A Yes, it does.

19 Q Okay. What's the date of 712C?

20 A July 11th, 2005.

21 MR. LLORETT: And if we can blow that up.

22 BY MR. LLORETT:

23 Q Is this a document you're familiar with because it's part
24 of your file?

25 A Yes.

1 Q Okay. On this closing?

2 A Yes.

3 Q Who were the signatures to that, the purchasers?

4 A Asya Richardson and Alton Coles.

5 MR. LLORETT: And if you could -- ma'am, Ms. Horay,
6 if you could just blow that up a little bit more, the language
7 in the middle, and we'll try and see if we can read that.

8 BY MR. LLORETT:

9 Q Ma'am, can you read from your copy? Well, it might be a
10 little easier if you can read that. It's a brief paragraph,
11 if you can read that in for us.

12 A "The following person is hereby deleted from the agreement
13 as an additional purchaser -- Alton Coles. Seller shall look
14 solely to the remaining purchaser to perform all of the
15 purchaser's obligations under the agreement. All other terms
16 and conditions of this agreement shall remain unchanged and in
17 full force and effect."

18 Q And then below that are signatures?

19 A Correct.

20 Q This references a document, is that correct?

21 MR. LLORETT: Earlier up, if we can go back up the
22 page a little bit on the screen.

23 BY MR. LLORETT:

24 Q There's a reference to a prior document in quotes,
25 "Agreement." Do you see that?

1 A A purchase agreement?

2 Q I think in the paragraph that starts "11 day of July,
3 2005, the last line.

4 A "To a purchase agreement by and between NVR, Inc., Ryan
5 Homes, Seller, and Alton Coles, Asya Richardson collectively,
6 Purchaser, dated 2/19/05, the Agreement."

7 Q Okay. So that agreement -- well, the date on that was
8 2/19/05, is that right?

9 A Yes.

10 Q Thank you, ma'am.

11 MR. LLORETT: If I may have a moment, Your Honor.

12 (Pause in proceedings.)

13 MR. LLORETT: Nothing further, Your Honor.

14 THE COURT: Cross-examine?

15 CROSS-EXAMINATION

16 BY MR. WARREN:

17 Q Good morning, ma'am. How are you doing?

18 A Good. And yourself?

19 Q I'm good. I don't think we ever met before. My name is
20 Christopher Warren. I represent Alton Coles. I have -- I
21 have just a couple of questions for you.

22 MR. WARREN: Can we put those checks up that were
23 from my client, Alton Coles, if I can remember the exhibit
24 number --

25 MR. LLORETT: 713A.

1 MR. WARREN: 713A, please.

2 BY MR. WARREN:

3 Q Okay. That's the deposit slip, right?

4 A Yes.

5 Q Okay. Now, these were copies of checks I take it that you
6 made at settlement?

7 A Yes.

8 Q And --

9 A Well, I don't typically make copies of the checks at
10 closing unless it's required.

11 Q Okay. Okay. These however were the checks that were
12 given to you at closing?

13 A Yes.

14 Q All right. And they appear to be -- at least this one
15 appears to be a certified or bank check, is that right?

16 A Yes, an official check.

17 Q Right. And the way you get that is you go to the bank,
18 you give them the money and then they give you a bank check,
19 right?

20 A Yes.

21 Q And that's what you guys -- that's what you guys require
22 at closing, right?

23 A Yes.

24 Q And it's in the name of Alton Coles, right?

25 A Yes.

1 Q And do you specifically remember -- I think you told us
2 you don't specifically remember much about this closing, is
3 that right?

4 A Correct.

5 Q Okay. But you told us that it would have been your
6 practice not to have accepted the check unless he endorsed it
7 in your presence?

8 A I would never have accepted the check.

9 Q Fair enough.

10 MR. WARREN: Can we see that? Is there another one?

11 MR. LLORETT: The next page? Perhaps we can turn to
12 the next page.

13 MR. WARREN: Okay. All right, this appears to be --
14 is there another one from Alton Coles or just one?

15 MR. LLORETT: If there was we can go -- there we go.
16 It's on the screen now.

17 MR. WARREN: Okay. All right.

18 BY MR. WARREN:

19 Q And this one was the one that was kind of hard to read,
20 wasn't it?

21 A Yes.

22 Q Okay. And I think we got a stipulation that it's payable
23 to Asya Richardson and it looks like Alton Coles. See where
24 it says "remitted" down there at the bottom? I know it's hard
25 to tell.

1 A Yeah, it's hard to read. Yes.

2 Q All right. My question to you is this is a cashier's
3 check, right?

4 A Yes.

5 Q All right. Where again, you go to the bank and the bank
6 gives you a check after you give them the money, right?

7 A Correct.

8 Q Okay. All right.

9 MR. WARREN: And the last one, the Naseem Coles
10 check, please?

11 BY MR. WARREN:

12 Q Okay. And again, it says it's a cashier's check, right?

13 A Yes.

14 Q Okay. Where an individual goes to the bank and gives the
15 money and they give them a certified or a cashier's -- or,
16 that's a bank check, isn't it?

17 A It's an official bank check, yes.

18 Q Okay. All right. Thank you.

19 MR. WARREN: And if we could look at the document
20 which deleted Mr. Coles as a purchaser on the agreement of
21 sale? I didn't write down any of the numbers. I'm sorry.
22 Okay, now if you could blow that up, please, Agent Horay.
23 Thank you so much.

24 BY MR. WARREN:

25 Q Okay. Now, this document makes reference to the initial

1 agreement of sale, doesn't it?

2 A Yes, it does.

3 Q Okay. And that agreement of sale appears to have been
4 signed on what -- February 19th, 2005?

5 A Yes.

6 Q And the actual document which deletes Mr. Coles as one of
7 the purchasers of the property, that wasn't signed until July
8 11th, 2005, right?

9 A Yes.

10 Q Several months after the agreement of sale was signed,
11 right?

12 A Right.

13 Q Okay. Do you know why Mr. Coles was deleted from the
14 agreement of sale?

15 A No, I do not.

16 Q Okay. And do you recall having any conversations with Mr.
17 Coles during the course of this settlement?

18 A No.

19 Q Okay. Let me ask you this. You've done this for many,
20 many years I take it, right?

21 A Yes.

22 Q Would it have been possible to get his name put on the
23 deed within 30 days after closing?

24 A Would it have been possible?

25 Q Yes.

1 A Yes.

2 Q How do you do that?

3 A Go to an attorney.

4 Q And then what?

5 A Have a deed prepared and recorded.

6 Q Okay. Identifying him as one of the I guess owners of the
7 property on the deed, right?

8 A Yes.

9 Q Okay. And you knew that back in 2005?

10 A Yes.

11 Q Okay. At the time you did this closing, right?

12 A Yes.

13 Q Ma'am, thank you very much. I don't have anything more
14 for you.

15 A Okay.

16 MR. HETZNECKER: No questions.

17 MR. THOMPSON: No questions, Your Honor.

18 MR. SMITH: No questions.

19 MR. HARMELIN: No questions.

20 CROSS-EXAMINATION

21 BY MR. SMITH:

22 Q Ms. Brodbeck, good morning.

23 A Good morning.

24 Q Do you just do closings in New Jersey?

25 A Yes.

1 Q Have you ever done them in Pennsylvania?

2 A No.

3 Q So basically you're familiar only with the procedures set
4 forth in the State of New Jersey. Would that be a fair
5 statement?

6 A Yes.

7 Q And you've been doing closings for how many years?

8 A 23 years.

9 Q And approximately how many closings have you done?

10 A In 23 years, I --

11 Q Thousands?

12 A Yes.

13 Q Okay. Describe the typical settlement day -- by the way,
14 I'm sorry, where was -- where did this closing take place? Do
15 you have any recollection?

16 A Berlin, New Jersey, in our office.

17 Q And they would normally take place in your office,
18 correct?

19 A Yes.

20 Q Conference room?

21 A Yes.

22 Q Long table?

23 A Yes.

24 Q You're sitting at the head of the table?

25 A Sometimes.

1 Q Sometimes?

2 A Generally.

3 Q You're there sometimes with a laptop?

4 A Yes.

5 Q And you're busy filling in the figures and making sure
6 everything -- oh, by the way, do you just do new homes or do
7 you do resales, too?

8 A Resales --

9 Q And --

10 A -- also.

11 Q So you do both, correct?

12 A Yes.

13 Q Any difference between the resales and new homes?

14 A Sure.

15 Q Okay. Tell -- tell the jury what the difference is when
16 you're dealing -- you know, if you can characterize it.

17 A Basically it would be a difference of the house itself.

18 New homes is new construction --

19 Q How about --

20 A -- you're dealing with a builder.

21 Q How about the paperwork?

22 A Paperwork? No. Some documents --

23 Q Okay.

24 A -- but not really.

25 Q Now, you had a file that was shown to you earlier by

1 counsel.

2 A Yes.

3 Q That's your file, is that correct?

4 A Correct.

5 Q Those are the documents that you needed in your file,
6 correct --

7 A Yes.

8 Q -- to complete settlement? Are there additional
9 documents?

10 A That were executed --

11 Q Yes.

12 A -- at closing?

13 Q Yes.

14 A Yes.

15 Q Okay. In fact, when you have a -- and would it be --
16 would it be a surprise that these would be the documents --

17 MR. WARREN: -- just showing her the book that's
18 been provided to me, the documents by the Government --

19 BY MR. WARREN:

20 Q -- that new home construction has hundreds and hundreds of
21 pages? Would it surprise you?

22 A At the closing?

23 Q Through the entire process.

24 A No, it would not surprise me.

25 Q All right. And a resale would be a lot less paperwork,

1 correct?

2 A Yes.

3 Q Now, this settlement was done on the 29th of July, is that
4 correct?

5 A Yes.

6 Q And you indicate you have no -- because you've done
7 thousands of settlements and this was over two years ago, you
8 have no current recollection, would that -- is that a fair
9 statement of your testimony?

10 A Yes.

11 Q Let me see if I can refresh your recollection a little
12 bit. The 29th is towards the end of the month.

13 A Yes.

14 Q Most settlements held at the end of the month?

15 A Yes.

16 Q All right. Why is that?

17 A Less interest paid by the borrower.

18 Q Okay. So it's a little bit -- it behooves the borrower to
19 have the settlement towards the end of the month and that's
20 why most of them are held at the end of the month?

21 A Yes.

22 Q All right. Do you remember -- does your file reflect --
23 the ones that you reviewed this morning -- that this
24 settlement was originally scheduled for July 28th?

25 A I don't recall.

1 Q Do you recall a power outage at your office on July 28th
2 that pushed the settlement back to July 29th? Would that ring
3 a bell?

4 A No.

5 Q Don't recall that?

6 A No.

7 Q Okay. Do you recall how many settlements you had that
8 day, or in a typical end of the month day?

9 A Typical end of the month day?

10 Q Yeah.

11 A Seven, eight.

12 Q That's a lot of settlements, correct?

13 A Yes.

14 Q And those are the ones that you would have or do you --
15 are there other agents in your office who might even take one
16 and then somebody might take another and --

17 A There are other agents but --

18 Q All right. But generally you would handle all of those
19 settlements on that day?

20 A Sometimes, yes.

21 Q Okay. And but you don't remember this one exactly?

22 A No.

23 Q Do you remember this day -- and maybe I can refresh your
24 recollection a little bit -- that there was many settlements
25 that day and this was just one of them and basically there was

1 a power outage, they had to be -- they all had to be pushed
2 through at the end of the month?

3 MR. LLORETT: Objection, Your Honor.

4 THE COURT: You just asked that question.

5 MR. SMITH: Well, I -- I rephrased it a little bit,
6 Your Honor.

7 MR. LLORETT: Objection, Your Honor.

8 THE COURT: You said the same thing, counsel.

9 MR. SMITH: Okay.

10 THE COURT: Go ahead.

11 BY MR. SMITH:

12 Q Do you recall the rush to move these settlements along on
13 any given day?

14 MR. LLORETT: Objection, Your Honor.

15 THE COURT: Sustained.

16 BY MR. SMITH:

17 Q Do you recall the rush to move the settlements along on
18 this day?

19 MR. LLORETT: Objection, Your Honor.

20 THE COURT: Sustained.

21 MR. SMITH: Thank you.

22 BY MR. SMITH:

23 Q Now, do you recall -- I believe you indicated you don't
24 remember my client or anybody else being -- by client's the
25 young lady over there --

1 MR. LLORETT: Objection, Your Honor.

2 MR. SMITH: -- in the white blouse.

3 MR. LLORETT: Counsel is testifying.

4 MR. SMITH: Well, I -- I can introduce that to her,
5 Your Honor.

6 THE COURT: Counsel, you can ask her whether she can
7 identify your client.

8 MR. SMITH: All right.

9 BY MR. SMITH:

10 Q Can you identify anybody in the courtroom who was at
11 settlement that day?

12 A No.

13 Q Okay. Now, you received checks.

14 MR. SMITH: Can those three checks be shown once
15 again in the order they were shown? Agent Horay, I'm sorry, I
16 apologize. It's three checks, one for -- thank you. Now, the
17 second one has PNC on it. Can that be shown to her?

18 BY MR. SMITH:

19 Q Is there a date on that check?

20 A I can't read it from this far away.

21 MR. SMITH: Can that be focused on -- on that date,
22 up top, corner right?

23 BY MR. SMITH:

24 Q What's -- what's that date?

25 A It looks like August --

1 Q August 1st?

2 A Could be. Can't quite make it out. All I can make out is
3 August, 2005.

4 Q You can make out August thought, right?

5 A Right.

6 Q Why would there be a check from August if a settlement was
7 in July? Would there be any reason for that?

8 A No. I don't know why.

9 Q Okay. Normally, the checks -- you wouldn't have a check
10 that's post-dated or a cashier's check that was post-dated,
11 would that be accurate?

12 A No, I wouldn't. I wouldn't accept a check that was post-
13 dated.

14 Q Okay. But you would agree with me that that check does
15 say August.

16 A Hm-hmm.

17 Q And it was one of the checks which made up the monies that
18 had to be brought to settlement, would that be a fair
19 statement?

20 A Yes.

21 Q All right. But you have no explanation as to why that
22 says August -- whatever?

23 A Unless the bank made a mistake.

24 Q All right. Do you remember Mr. Coles bringing a personal
25 check to settlement and being told that that would not be

1 accepted and they would have to go back and bring drafts from
2 -- from the banks to cover the closing costs?

3 A No.

4 Q You don't remember that?

5 A No.

6 Q Okay. Is that a typical thing that happens -- is that a
7 routine thing that happens at settlement when people bring
8 cash or bring a personal check and they're told they need a
9 draft? That happens?

10 A It happens, yes.

11 Q Okay. And then they're instructed that it cannot be
12 finalized at closing because they don't have the appropriate
13 amount of money that you would find acceptable to you?

14 A Yes.

15 Q In fact, as many times when you go to settlements, when
16 you're dealing with the payment of taxes, that there's a snafu
17 and documents have to be faxed over at the last minute so that
18 it's acceptable to you?

19 A Acceptable to the title company?

20 Q Yes. When I say you, I mean the title company.

21 MR. LLORETT: Objection, Your Honor. Relevance.

22 THE COURT: Objection sustained.

23 MR. SMITH: Thank you, Your Honor.

24 BY MR. SMITH:

25 Q Now, the -- at settlement in New Jersey, there's a lawyer

1 requirement, isn't there, for signing a -- I apologize -- for
2 signing documents? Isn't there some type of an attorney
3 review requirement?

4 A On the closing documents?

5 Q Well, not on the closing documents, on the purchase of a
6 home?

7 MR. LLORETT: Objection, Your Honor. He's asking
8 her a legal question.

9 MR. SMITH: I think -- she's a title clerk, I think
10 she's -- maybe she knows, maybe she doesn't know.

11 THE COURT: Can you answer that question?

12 THE WITNESS: On the contract of sale?

13 MR. SMITH: Yeah.

14 THE WITNESS: I believe there is a three-day
15 attorney review.

16 MR. SMITH: Okay.

17 BY MR. SMITH:

18 Q Now, you don't know on this transaction whether or not any
19 attorney was utilized for the execution of the purchase
20 agreement, would that be a fair statement?

21 A That is. I do not know.

22 Q And you don't -- and would your records reflect of whether
23 or not any attorney was there for the -- the buyers on that
24 date? Usually you take a business card from an attorney,
25 don't you?

1 A Yes.

2 Q Okay.

3 A Or a bill on the HUD-1.

4 Q I'm sorry?

5 A Or there would be a bill on the HUD-1 if the attorney had
6 a charge.

7 Q Now, HUD-1, that's the final sheet which has the -- all
8 the amounts indicated for taxes and down payments and
9 everything else and normally it's signed by the borrower and
10 by the seller?

11 A Yes.

12 Q There's a -- there's a separate side and many times when
13 an attorney's in attendance, you ask him if he has a bill for
14 his services and you add that sometimes and sometimes you
15 don't to the HUD-1?

16 A Yes.

17 MR. LLORETT: Objection, Your Honor. Compound
18 question.

19 THE COURT: Objection sustained. Counsel, do you
20 want to get up here and testify?

21 MR. SMITH: No, Your Honor, but I'm just trying to
22 move --

23 THE COURT: Okay. Well then just ask questions.

24 MR. SMITH: Thank you, Your Honor.

25 BY MR. SMITH:

1 Q Do you know if an attorney was present for this closing?

2 A Based on what I looked at in my file, no.

3 Q Okay. Now, and the only persons who were there -- is it
4 reflected in your file who was in attendance that day besides
5 yourself?

6 A We don't take a closing attendance sheet, no.

7 Q You indicated that the gentleman who -- who's represented
8 of the seller was not in attendance.

9 A Correct.

10 Q And he had already signed some of the documents previously
11 and they were faxed over to you?

12 A The HUD-1.

13 Q Is that all he signed?

14 A No, the deed.

15 Q All right. Was there any other documents that the seller
16 had to sign before they came to settlement?

17 A Prior to closing?

18 Q Yes.

19 A The contract of sale.

20 Q And those were already signed before the date of closing,
21 would that be accurate?

22 A Yes.

23 Q All right. Just a few more questions. The check which
24 was to cover the mortgage, the big check, who was that issued
25 from?

1 A Chase was the lender.

2 Q Okay. Was anybody in attendance from Chase?

3 A No.

4 Q Okay. Would it be normal practice that a represented be
5 there and not be there?

6 A Sometimes.

7 Q And the only thing that you're really concerned about is
8 that the appropriate monies are there, would that be accurate?

9 A The only thing that I'm really concerned about?

10 Q Well, I strike. You'd be concerned that -- just that the
11 appropriate checks are there, is that correct, to cover all
12 the costs?

13 A Appropriate funds from the lender and the appropriate
14 documents.

15 Q And your documents, they reflected all the -- the monies
16 that were due eventually were there at settlement?

17 A Yes.

18 Q Okay. Just a few more. Now, the deed that was issued,
19 whose name was on the deed?

20 A Asya Richardson.

21 Q Okay. And there was no reference to Mr. Coles, is that
22 correct?

23 A Correct.

24 Q All right. Now, up until July 11th though, according to
25 the records that you've been shown, there was an indication

1 that both Mr. Coles and Ms. Richardson were going to purchase
2 the property, is that correct?

3 A Yes.

4 Q And it was only up until July 11th when his name was
5 deleted that there was no reference to Mr. Coles as to the
6 purchaser of the property, is that correct?

7 A Can you repeat the question?

8 Q Up until July 11th, there was no reference -- up until
9 July 11th, Mr. Coles and Ms. Richardson were the intended
10 purchasers of this property, is that correct?

11 A I would have to look at the information in my file
12 provided by the builder.

13 Q Okay. Well, you saw the -- the signature where his name
14 was deleted, is that correct?

15 A Correct.

16 Q All right. But up until that time, would it be a fair
17 statement that Mr. Coles and Ms. Richardson were going to be
18 the purchasers of that property?

19 A I would have to look at my file.

20 Q And you would have no information regarding whether or not
21 there was any difficulty in Mr. Coles obtaining financing?

22 A I would not know that.

23 Q You would not know that. Okay. And who shows the
24 documents to the -- that have to be signed -- to the
25 respective parties, both whether to seller or buyer? Is that

1 your job?

2 A If there is no attorney or the lender is not present, yes,
3 that is.

4 Q And you show the documents and they're passed along and
5 you ask basically things, can you take a look at these
6 documents and if they're appropriate, sign them, is that
7 correct?

8 A Yes.

9 Q How long does a settlement take?

10 A Generally about an hour.

11 Q And sometimes longer, sometimes shorter, depending on
12 whether there's any difficulties?

13 A Yes.

14 Q And you don't recall how long -- on new -- on this new --
15 by the way, you've done closings for Ryan Homes before, isn't
16 that correct?

17 A Yes.

18 Q How long does it take to get through the new housing
19 closings with Ryan Homes generally?

20 A About an hour.

21 Q Okay. And you don't remember anything about this one
22 about the signatures or anything else like that, do you?

23 A No.

24 Q Thank you very much.

25 A You're welcome.

1 THE COURT: Mr. Llorett?

2 MR. LLORETT: Yes, Your Honor.

3 REDIRECT EXAMINATION

4 BY MR. LLORETT:

5 Q Ma'am, just a few questions. If -- and Mr. Warren asked
6 you about somebody else getting on the deed after settlement,
7 do you remember that?

8 A His question, yes --

9 Q His question --

10 A -- I remember.

11 Q Okay. My question to you is if someone gets put on the
12 deed after the settlement without the consent of the bank,
13 isn't that a loan violation?

14 A Yes, it is.

15 Q Okay. And the second thing is, I just wanted to take a
16 look at your file here and I see in there what's called an
17 affidavit of title to mortgage property?

18 A Yes.

19 Q Just looking at the second page to that document, is that
20 an original signature?

21 A Yes, it is.

22 Q Now, whose signature is that?

23 A Asya Richardson.

24 Q And who is it witnessed by?

25 A Myself.

1 Q And is that your original signature?

2 A Yes, it is.

3 Q So this is the pen and ink actual version, correct?

4 A Yes, it is.

5 Q All right. And did, in fact, Asya Richardson -- did, in
6 fact, you witness Asya Richardson signing that document that
7 day, July 29th, 2005?

8 A Yes.

9 Q And the rest of those documents?

10 MR. SMITH: Objection, Your Honor. She -- she
11 already she has so specific recollection of the settlement,
12 Your Honor.

13 THE WITNESS: I have notarized the document.

14 BY MR. LLORETT:

15 Q Did you notarize the affidavit of title?

16 A Yes, I did.

17 Q Is that a settlement document?

18 A Yes, it is.

19 Q Did that take place at the time of settlement?

20 A Yes, it did.

21 Q And that's Asya Richardson's signature?

22 A Yes, it is.

23 Q And you're notarizing that it's signed and sworn to before
24 you on that -- that time and date?

25 A That is correct.

1 Q Thank you.

2 MR. LLORETT: Nothing further, Your Honor.

3 MR. WARREN: Nothing, Judge, thank you.

4 THE COURT: Nothing further?

5 MR. SMITH: No, I have no further questions.

6 THE COURT: You may step down.

7 THE WITNESS: Thank you.

8 (Witness leaves the witness stand.)

9 MR. BRESNICK: Your Honor, the Government calls
10 Special Agent John Bowman back to the stand but before we do
11 that, we have some binders to pass out to the jury.

12 THE COURT: All right.

13 (Pause in proceedings.)

14 THE COURT: All right, Agent Bowman, you are still
15 under oath. Do you understand that?

16 THE WITNESS: Yes, Your Honor.

17 JOHN BOWMAN, GOVERNMENT'S WITNESS, PREVIOUSLY SWORN,
18 RECALLED

19 THE COURT: All right. Mr. Bresnick?

20 MR. BRESNICK: Thank you, Your Honor.

21 DIRECT EXAMINATION

22 BY MR. BRESNICK:

23 Q Good morning, sir.

24 A Good morning.

25 Q Sir, do you know if there came a time when Thais Thompson

1 testified before the Federal Grand Jury investigating this
2 matter?

3 A Yes. It was June 7th, 2006.

4 MR. BRESNICK: May I approach, Your Honor?

5 THE COURT: Yes.

6 BY MR. BRESNICK:

7 Q I'm handing you Government's Exhibit 600. Can you
8 identify what that is?

9 A Yes. This is the Grand Jury -- transcript of the Grand
10 Jury testimony of Thais Thompson.

11 Q All right.

12 MR. BRESNICK: Your Honor, I move for the admission
13 of Government Exhibit 600.

14 THE COURT: Any objection?

15 MR. HETZNECKER: No objection.

16 THE COURT: It may be admitted.

17 BY MR. BRESNICK:

18 Q And, Agent, in the book before you, do you have Book 2 up
19 there?

20 A I don't believe so.

21 THE COURT: Here. Agent, here, I have the --

22 THE WITNESS: Thank you, Your Honor.

23 BY MR. BRESNICK:

24 Q In Tabs 170 through 182, are those selections from the
25 testimony of Ms. Thompson that was included in Government's

1 Exhibit 600?

2 A Yes.

3 Q And Tab 70 (sic) would be Government's Exhibit 600-1, Tab
4 171 is 600-2 and that goes all the way through 600-13, is that
5 correct, sir?

6 A Yes.

7 MR. BRESNICK: Your Honor, I move for the admission
8 of Government's Exhibits 600-1 through 600-13.

9 THE COURT: It may be admitted.

10 MR. HETZNECKER: No objection.

11 MR. BRESNICK: Very well. And, Your Honor, at this
12 time -- Your Honor --

13 JURY FOREPERSON: We all have wrong binders.

14 THE COURT: You have the wrong -- counsel, will you
15 check and see whether they have the right binders?

16 (Pause in proceedings.)

17 MR. BRESNICK: Could Your Honor inquire if
18 everyone's got the right one?

19 THE COURT: Ladies and gentlemen, take a look at
20 your binders. Does each of you have the binders that contain
21 the Tabs 170 through 182? If you do not, raise your hand,
22 please.

23 Okay, I think we're ready.

24 MR. BRESNICK: Thank you, Your Honor.

25 BY MR. BRESNICK:

1 Q Sir, do you know --

2 MR. HETZNECKER: Your Honor, may I have a moment
3 with counsel before we begin?

4 THE COURT: Yes, indeed.

5 (Discussion off the record.)

6 MR. HETZNECKER: May we see Your Honor at sidebar
7 please?

8 (Sidebar discussion as follows:)

9 MR. BRESNICK: Your Honor, there's one tab that Your
10 Honor had excluded certain portions --

11 MR. HETZNECKER: And they're reading the tabs right
12 now.

13 MR. BRESNICK: Well --

14 (Pause in sidebar discussion.)

15 THE COURT: Ladies and gentlemen, do not look at the
16 binders until we tell you to, okay?

17 (Sidebar discussion continued.)

18 MR. BRESNICK: Pardon me, Your Honor. It's Tab 180,
19 Judge, Government's Exhibit 600-11. When I got to that part
20 of the testimony, I was going to ask you to instruct the jury
21 to close the book and I was just going to have them --

22 THE COURT: Well, I think that's a dangerous
23 situation, counsel.

24 MR. BRESNICK: Do you want to just take that out?

25 THE COURT: I think maybe we -- we're going to have

1 to take a five minute break and --

2 MR. BRESNICK: I'm sorry, Your Honor.

3 THE COURT: That's okay.

4 MR. BRESNICK: Thank you.

5 THE COURT: All right.

6 MR. HETZNECKER: Thank you, Judge.

7 (Sidebar discussion concluded.)

8 THE COURT: Okay, ladies and gentlemen, we're going
9 to take a five minute break. Leave the booklets on the chair.
10 We'll bring you back in five minutes.

11 (Jury leaves the courtroom, 10:28 a.m.)

12 (Recess taken, 10:29 a.m. until 10:39 a.m.)

13 COURTROOM DEPUTY: Please be seated.

14 THE COURT: Okay, ladies and gentlemen, I think we
15 are ready to proceed.

16 MR. BRESNICK: Your Honor, I would call to the stand
17 Special Agent Horay to read the answers to the Grand Jury
18 Testimony provided by Ms. Thompson. I'll read the questions
19 and Ms. Horay will read the answers.

20 MR. HETZNECKER: Your Honor, may I reserve the right
21 to call or to cross Agent John Bowman since he was called to
22 the stand initially?

23 THE COURT: Yes, indeed.

24 MR. BRESNICK: And, in fact, Your Honor, I'm going
25 to call him back to the stand once we're done with the

1 testimony.

2 MR. HETZNECKER: That's fine.

3 THE COURT: Ladies and gentlemen, you have the
4 transcripts. Mr. Bresnick is going to ask the questions and
5 the Agent will give the answers and you have the transcripts
6 that you can follow along, okay?

7 MR. BRESNICK: Thank you, Your Honor.

8 Your Honor, I'll start at Tab 170, Government's
9 Exhibit 600-1. This is pages -- page two, line nine through
10 page ten, line eight, of the complete transcript of
11 Government's 600.

12 Good morning, Ms. Horay.

13 MS. HORAY: Good morning.

14 THE COURT: All right, I'm going to read the
15 questions provided in the transcripts and you just read the
16 answers provided. Is that -- do you understand that?

17 MS. HORAY: Yes.

18 MR. BRESNICK: All right.

19 (Mr. Bresnick reads from transcript.)

20 MR. BRESNICK: "Question: Good morning, ma'am."

21 MS. HORAY: "Good morning."

22 MR. BRESNICK: "Question: Could you please state
23 your name and spell it for the Court reporter?"

24 MS. HORAY: "Thais, T-H-A-I-S as in Sam, middle
25 initial Y, last name Thompson."

1 MR. BRESNICK: And there's a line under that, ma'am.

2 MS. HORAY: "T-H-O-M-P-S-O-N."

3 MR. BRESNICK: "Question: All right. Good morning,
4 Ms. Thompson. You understand because you are a Grand Jury
5 witness here in a criminal proceeding -- Criminal Grand Jury
6 -- that you have taken an oath to tell the truth as to
7 everything you say here?"

8 MS. HORAY: "Yes."

9 MR. BRESNICK: "Question: You understand that? Do
10 you understand that if you don't tell the truth as to
11 everything you say that you could be prosecuted for perjury?"

12 MS. HORAY: "Yes."

13 MR. BRESNICK: "Question: You understand perjury is
14 a separate Federal offense?"

15 MS. HORAY: "Yes, I do."

16 MR. BRESNICK: "Question: All right. You also
17 understand that you have a right to have an attorney here with
18 you today, is that correct?"

19 MS. HORAY: "Yes."

20 MR. BRESNICK: "Question: And although your
21 attorney cannot be with you in the Grand Jury room while you
22 testify, he can wait outside and you can take a reasonable
23 break so as to ask him any question if it's necessary, do you
24 understand that?"

25 MS. HORAY: "Yes."

1 MR. BRESNICK: "Question: In fact, you do have an
2 attorney with you today, is that right?"

3 MS. HORAY: "Yes, I do."

4 MR. BRESNICK: "Question: What is his name?"

5 MS. HORAY: "Rodney Ray."

6 MR. BRESNICK: "Question: Is his last name spelled
7 R-E-Y?"

8 MS. HORAY: "R-A-Y."

9 MR. BRESNICK: "Question: R-A-Y. And he is right
10 outside right now?"

11 MS. HORAY: "Yes, he is."

12 MR. BRESNICK: "Question: All right. You also
13 understand that you have a fifth amendment privilege not to
14 answer any question that I ask you if the truthful answer to
15 that question may tend to incriminate you" --

16 MS. HORAY: "Yes."

17 MR. BRESNICK: -- "do you understand that?"

18 MS. HORAY: "Yes."

19 MR. BRESNICK: "Question: Do you understand that
20 anything that you do say here today could be used against you
21 in another proceeding, whether it be this Grand Jury or some
22 other Court?"

23 MS. HORAY: "Yes."

24 MR. BRESNICK: "Question: All right, ma'am. Could
25 you please tell the Grand Jury where you live?"

1 MS. HORAY: "5 North Burden Hill Road, Salem, New
2 Jersey, 08079."

3 MR. BRESNICK: "Question: 5 North Burden Hill
4 Road?"

5 MS. HORAY: "Yes."

6 MR. BRESNICK: "Question: Which city is that in?"

7 MS. HORAY: "Salem, New Jersey."

8 MR. BRESNICK: "Question: That's not in Quinton?"

9 MS. HORAY: "No, it's Quinton Township. My mailing
10 is technically Salem."

11 MR. BRESNICK: "Question: All right. How long have
12 you lived there?"

13 MS. HORAY: "Five years approximately."

14 MR. BRESNICK: "Question: Have you ever lived at
15 any other address during that time?"

16 MS. HORAY: "Yes."

17 MR. BRESNICK: "Question: What other -- what other
18 addresses have you lived at?"

19 MS. HORAY: "400 Alloway-Aldine Road, Elmer, New
20 Jersey."

21 MR. BRESNICK: "Question: Who lives there?"

22 MS. HORAY: "My parents."

23 MR. BRESNICK: "Question: Who are they?"

24 MS. HORAY: "Hillis Thompson (phonetic), Jr., and
25 Linda Fletcher."

1 MR. BRESNICK: "Question: Is -- are they both your
2 birth parents?"

3 MS. HORAY: "Yes."

4 MR. BRESNICK: "Question: Hillis is your natural
5 father?"

6 MS. HORAY: "Yes, he is."

7 MR. BRESNICK: "Question: Linda is your mother?"

8 MS. HORAY: "Yes, she is."

9 MR. BRESNICK: "Question: On what occasions have
10 you lived at that address?"

11 MS. HORAY: "The majority of my life, prior to
12 living where I live now."

13 MR. BRESNICK: "Question: All right. Prior to your
14 living at 5 North Burden Hill Road?"

15 MS. HORAY: "Yes, and for about two years after
16 college I lived at 11B Crest Hill Terrace (phonetic) in Salem,
17 New Jersey."

18 MR. BRESNICK: "Question: All right. From about
19 January 1, 2004, how often have you lived at 400 Alloway-
20 Aldine Road?"

21 MS. HORAY: "I haven't."

22 MR. BRESNICK: "Question: You haven't at all?"

23 MS. HORAY: "No."

24 MR. BRESNICK: "Question: Do you spend any time
25 there at all?"

1 MS. HORAY: "Occasionally, yes."

2 MR. BRESNICK: "Question: You spend some nights
3 there?"

4 MS. HORAY: "Occasionally, yes."

5 MR. BRESNICK: "Question: About how often a week
6 would you spend there?"

7 MS. HORAY: "Maybe -- maybe every three weeks. It's
8 not very often."

9 MR. BRESNICK: "Question: All right. One night
10 every three weeks, is that what you said?"

11 MS. HORAY: "Yes."

12 MR. BRESNICK: "Question: Since August 10, 2005,
13 how often have you spent there?"

14 MS. HORAY: "No more than maybe half the day. Most
15 of the time I'm at my home."

16 MR. BRESNICK: "Question: At your home at 5 North
17 Burden Hill Road?"

18 MS. HORAY: "Yes."

19 MR. BRESNICK: "Question: All right. Whose home is
20 that? Who owns that home?"

21 MS. HORAY: "My mother owns the home, Linda
22 Fletcher."

23 MR. BRESNICK: "Question: Do you know when she --
24 when -- did she buy it?"

25 MS. HORAY: "Yes, she did."

1 MR. BRESNICK: "Question: When was that?"

2 MS. HORAY: "That was in 2000. My son was born in
3 2000 so the home was actually being built prior to that, which
4 was '99 and I moved in 2002."

5 MR. BRESNICK: "Question: So the home was built for
6 your mother, is that right?"

7 MS. HORAY: "Yes, it was."

8 MR. BRESNICK: "Question: So no one else lived at
9 that address other than you and anyone you might have lived
10 with?"

11 MS. HORAY: "Yes."

12 MR. BRESNICK: "Question: Did she buy the house for
13 you?"

14 MS. HORAY: "She bought it for her own interest but
15 being as though I was on my second child, I was the one who
16 lived there."

17 MR. BRESNICK: "Question: Do you know how much she
18 paid for it?"

19 MS. HORAY: "Not right off hand. I do not
20 remember."

21 MR. BRESNICK: "Question: Have you ever talked to
22 her about how much it cost?"

23 MS. HORAY: "Probably -- probably about 150,000."

24 MR. BRESNICK: "Question: Did she pay for it
25 outright or mortgage?"

Reading of Grand Jury Transcripts

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1 MS. HORAY: "Mortgage."

2 MR. BRESNICK: "Question: Who's paying the
3 mortgage?"

4 MS. HORAY: "She is."

5 MR. BRESNICK: "Question: Do you know how much she
6 pays in mortgage?"

7 MS. HORAY: "Right now, no, I don't."

8 MR. BRESNICK: "Question: Do you know what bank she
9 is paying?"

10 MS. HORAY: "No, I don't. She refinanced so I'm not
11 sure."

12 MR. BRESNICK: "Question: Do the bills go to your
13 address or to hers?"

14 MS. HORAY: "It comes to my address."

15 MR. BRESNICK: "Question: In Linda's name?"

16 MS. HORAY: "Yes."

17 MR. BRESNICK: "Question: All right. What do you
18 do with the bill once you get it?"

19 MS. HORAY: "I give it to her."

20 MR. BRESNICK: "Question: What's the bill for? Do
21 you recall?"

22 MS. HORAY: "Mortgage."

23 MR. BRESNICK: "Question: No, how much money?"

24 MS. HORAY: "I'm not sure."

25 MR. BRESNICK: "Question: Did you ever open the

1 bill or do you just give it to -- to your mother?"

2 MS. HORAY: "Yeah, I do not open up other people's
3 mail. I give it directly to her."

4 MR. BRESNICK: "Question: Have you ever paid any
5 mortgage payments or anything towards that house since you
6 lived there?"

7 MS. HORAY: "I get monthly -- I'll give her money,
8 you know, towards the mortgage but I don't pay the whole
9 mortgage myself."

10 MR. BRESNICK: "Question: How much money do you
11 give your mother?"

12 MS. HORAY: "500."

13 MR. BRESNICK: "Question: Is that -- has that been
14 steady, \$500 every month?"

15 MS. HORAY: "Prior to my being out of work, yes."

16 MR. BRESNICK: "Question: All right. When did you
17 become out of work?"

18 MS. HORAY: "October 6th."

19 MR. BRESNICK: "Question: Of what year?"

20 MS. HORAY: "Of 2005."

21 MR. BRESNICK: "Question: So before October 6th,
22 2005, going back to the date that you first moved in, were you
23 paying your mother \$500 a month for the mortgage?"

24 MS. HORAY: "Yes."

25 MR. BRESNICK: "Question: Did anybody else pay your

1 mother any money for the mortgage?"

2 MS. HORAY: "No."

3 MR. BRESNICK: "Question: So the only money that to
4 your knowledge that your mother was being helped out on for
5 the mortgage came from you?"

6 MS. HORAY: "Yes."

7 (Reading of Tab 170 concluded.)

8 MR. BRESNICK: If we could turn now to Tab 171,
9 Government's Exhibit 600-2, and this, Your Honor, is pages 31,
10 line five, to page 31, line ten, of the complete transcript in
11 Government 600.

12 Do you have the complete transcript in front of you,
13 ma'am --

14 MS. HORAY: Mine is --

15 MR. BRESNICK: -- Government's 600?

16 MS. HORAY: Oh. Yes.

17 MR. BRESNICK: Could you turn to page 12, please?
18 And, Your Honor, this is not in the books that have been
19 provided to the jury.

20 THE COURT: Yes.

21 MS. HORAY: Okay.

22 MR. BRESNICK: What line were we starting at, Paul?

23 MR. HETZNECKER: 14.

24 MR. BRESNICK: 14? Could you look at line 14,
25 please --

1 MS. HORAY: Okay.

2 MR. BRESNICK: -- and I'm going to start reading the
3 question and answer. We're going to go from 14 to 24. Page
4 12, line 14.

5 (Mr. Bresnick reads from transcript.)

6 MR. BRESNICK: "Question: Who were you receiving
7 those payments from?"

8 MS. HORAY: "Mr. Morris -- James Morris."

9 MR. BRESNICK: "Question: James Morris was making
10 child support?"

11 MS. HORAY: "Yes."

12 MR. BRESNICK: "Question: Do you have a child
13 together?"

14 MS. HORAY: "We have two and one on the way."

15 MR. BRESNICK: "Question: You're pregnant now?"

16 MS. HORAY: "Yes, I am."

17 MR. BRESNICK: "Question: Is that with him as
18 well?"

19 MS. HORAY: "Yes."

20 MR. BRESNICK: And if we can turn back to the
21 binders, Your Honor, and that's Tab 171, Government's Exhibit
22 600-2 I believe I stated. Do you have that in front of you,
23 Agent Horay?

24 MS. HORAY: I do.

25 (Mr. Bresnick reads from transcript.)

Reading of Grand Jury Transcripts

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1 MR. BRESNICK: "Question: All right, ma'am, also on
2 August 10th, 2005, are you aware that agents recovered
3 \$559,396 in cash from your house?"

4 MS. HORAY: "Yes."

5 MR. BRESNICK: "Question: You are aware of that?"

6 MS. HORAY: "Yes."

7 MR. BRESNICK: "Question: When did you become aware
8 of that?"

9 MS. HORAY: "Well, the actual amount, they never
10 gave me a money receipt for it. I did know it, that they
11 recovered cash money from my home, yes."

12 MR. BRESNICK: "Question: Was that your money?"

13 MS. HORAY: "Yes."

14 MR. BRESNICK: "Question: All \$559,000 in cash?"

15 MS. HORAY: "Belonging to my family."

16 MR. BRESNICK: "Question: Who gave you that money?"

17 MS. HORAY: "A lot of it was recovered from when my
18 grandfather died."

19 MR. BRESNICK: "Question: All right. What's the
20 name of your grandfather?"

21 MS. HORAY: "John Fletcher."

22 MR. BRESNICK: "Question: When did he die?"

23 MS. HORAY: "February 24th, 2004. It's been two
24 years."

25 MR. BRESNICK: "Question: All right. So you're

1 saying that when your grandfather died he left a large amount
2 of money to your family, is that right?"

3 MS. HORAY: "He left a large amount of money and
4 told me where to get it."

5 MR. BRESNICK: "Question: He left it -- are you
6 named in his will, is that what you're saying?"

7 MS. HORAY: He doesn't have a will. He never used a
8 bank."

9 MR. BRESNICK: "Question: How did you -- how -- how
10 was this money passed on to you?"

11 MS. HORAY: "He told me where to recover it from."

12 MR. BRESNICK: "Question: Oh, before he died?"

13 MS. HORAY: "Yes."

14 MR. BRESNICK: "Question: He said -- he said when I
15 die, I've got a large amount of money, I want you to have it?
16 Is that what he said?"

17 MS. HORAY: They were specific instructions of where
18 to get this money from.

19 MR. BRESNICK: "Question: Who gave you those
20 instructions?"

21 MS. HORAY: "John Fletcher, my grandfather."

22 MR. BRESNICK: "Question: When did he give you the
23 instructions?"

24 MS. HORAY: "February 1st, 2004."

25 MR. BRESNICK: "Question: Why do you remember that

1 specific date?"

2 MS. HORAY: "I was his caretaker prior to him
3 dying."

4 MR. BRESNICK: "Question: All right. So why does
5 that date, February 1st, 2004 stick out in your mind?"

6 MS. HORAY: "It was only a couple of weeks prior to
7 him dying."

8 MR. BRESNICK: "Question: So you were caring for
9 him? Where were you caring for him?"

10 MS. HORAY: "At his home in Salem, New Jersey."

11 MR. BRESNICK: "Question: Where he lived?"

12 MS. HORAY: "333 East Broadway is where he lived --
13 where he did live."

14 MR. BRESNICK: "Question: So at the time, you were
15 caring for him at 333 East Broadway?"

16 MS. HORAY: "Yes."

17 MR. BRESNICK: "Question: On February 1st, 2004 he
18 gave you instructions as to where to recover a large amount of
19 money when he died?"

20 MS. HORAY: "Yes."

21 MR. BRESNICK: "Question: Did he tell you how much
22 money he was going to leave you?"

23 MS. HORAY: "No, he did not."

24 MR. BRESNICK: "Question: What did he tell you?"

25 MS. HORAY: "He just told me that there was money

1 for me to take care of my grandmother and to make sure that
2 she's taken care of."

3 MR. BRESNICK: "Question: What else did he say?"

4 MS. HORAY: "That was it."

5 MR. BRESNICK: "Question: Did he tell you where to
6 recover the money?"

7 MS. HORAY: "Not exactly."

8 MR. BRESNICK: "Question: What else did he say?"

9 MS. HORAY: "He just left me different areas to
10 look."

11 MR. BRESNICK: "Question: Was it a scavenger hunt?"

12 MS. HORAY: "No. It wasn't a scavenger hunt."

13 MR. BRESNICK: "Question: How did you know where to
14 find the money?"

15 MS. HORAY: "Him and I had a relationship where I
16 pretty much knew him that well and he knew me that well."

17 MR. BRESNICK: "Question: All right. Well, let me
18 ask you this. Where did you recover that money?"

19 MS. HORAY: "From his home."

20 MR. BRESNICK: "Question: Where?"

21 MS. HORAY: "In his attic."

22 MR. BRESNICK: "Question: Where in the attic was
23 it?"

24 MS. HORAY: "In the corner."

25 MR. BRESNICK: "Question: It was in the corner in

1 the attic?"

2 MS. HORAY: "In an old box."

3 MR. BRESNICK: "Question: What kind of box?"

4 MS. HORAY: "A cardboard box."

5 MR. BRESNICK: "Question: A cardboard box. Was it
6 a shoe box?"

7 MS. HORAY: "No, it was not a shoe box."

8 MR. BRESNICK: "Question: Was it like a banker's
9 box?"

10 MS. HORAY: "A cardboard box, probably like the size
11 that a small air conditioner come in."

12 MR. BRESNICK: "Question: All right. Was it taped
13 up or was it -- did it have a lock on it of any kind?"

14 MS. HORAY: "No."

15 MR. BRESNICK: "Question: So you're saying after he
16 died. When after he died did you go to the attic to find this
17 money?"

18 MS. HORAY: "Probably a few months later."

19 MR. BRESNICK: "Question: You waited a few months
20 to recover this money?"

21 MS. HORAY: "Yes."

22 MR. BRESNICK: "Question: Why did you wait so
23 long?"

24 MS. HORAY: "What was the point of me going to get
25 it then?"

1 MR. BRESNICK: "Question: Well, \$559,000 is a lot
2 of money."

3 MS. HORAY: "At that time I didn't know what was
4 there."

5 MR. BRESNICK: "Question: Well, what did he tell
6 you when he said he was going to leave you a lot of money?"

7 MS. HORAY: "He didn't specifically leave it for me.
8 It was to help my family, specifically, my grandmother."

9 MR. BRESNICK: "Question: So why did you wait three
10 months?"

11 MS. HORAY: "She had the insurance money. It wasn't
12 needed at the time."

13 MR. BRESNICK: "Question: So when was it needed?"

14 MS. HORAY: "It wasn't needed. The Government took
15 it so evidently it wasn't needed."

16 MR. BRESNICK: "Question: Well no, ultimately you
17 recovered the money because you said you didn't take it
18 earlier because your grandmother didn't need the money,
19 right?"

20 MS. HORAY: "Yes."

21 MR. BRESNICK: "Question: All right. So ultimately
22 you got the money, right?"

23 MS. HORAY: "Yeah, right."

24 MR. BRESNICK: "Question: All right. Why did you
25 get the money then?"

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1 MS. HORAY: "To move it."

2 MR. BRESNICK: "Question: Why did you move it?"

3 MS. HORAY: "Because I wanted to know where it was
4 at at all times."

5 MR. BRESNICK: "Question: Well, I don't understand.
6 Before you didn't even know where it was, right?"

7 MS. HORAY: "As I said, he left me specific
8 instructions. We know -- we know each other as well -- so
9 well as to where to recover it from."

10 MR. BRESNICK: Agent, could you read that answer
11 again, please?

12 MS. HORAY: Yes.

13 "As I said, he left me specifics because we know
14 each other so well as to where to recover it from."

15 MR. BRESNICK: "Question: Well, ma'am, you say he
16 left you specifics but you haven't provided any specifics to
17 the Grand Jury today. What specifics did he tell you?"

18 MS. HORAY: "I can't give you the specifics because
19 it's been over the years and being as though we knew each
20 other like we knew each other, I knew exactly where to get
21 it."

22 MR. BRESNICK: "Question: Well, these weren't
23 telepathic instructions, were they?"

24 MS. HORAY: "No, they were by mouth."

25 MR. BRESNICK: "Question: All right. So what did

1 he say?"

2 MS. HORAY: "To make sure I take care of my
3 grandmother. That's what he said."

4 MR. BRESNICK: "Question: He said I'm leaving you a
5 lot of money so you can take care of your grandmother?"

6 MS. HORAY: "He didn't say a lot."

7 MR. BRESNICK: "Question: What did he say?"

8 MS. HORAY: "He -- he said I'm leaving some money."

9 MR. BRESNICK: "Question: He said 'some money?'"

10 MS. HORAY: "Some money. Make sure your
11 grandmother's taken care of."

12 MR. BRESNICK: "Question: All right. Then you
13 waited three months to get that money to take care of your
14 grandmother?"

15 MS. HORAY: "Yeah, because I did have a job and a
16 family."

17 MR. BRESNICK: "Question: Well how long did it take
18 you to recover the money when you ultimately recovered it?"

19 MS. HORAY: "Maybe a day."

20 MR. BRESNICK: "Question: It took you a day to go
21 to the attic?"

22 MS. HORAY: "To go through the boxes there, yes."

23 MR. BRESNICK: "Question: Oh, there were a lot of
24 boxes there?"

25 MS. HORAY: "Yes."

1 MR. BRESNICK: "Question: Well you said this was in
2 the corner?"

3 MS. HORAY: "The box I found was in the corner, but
4 yes, there were other boxes in the attic."

5 MR. BRESNICK: "Question: All right. But he didn't
6 tell you the box was in the corner?"

7 MS. HORAY: "No, he didn't."

8 MR. BRESNICK: "Question: You think that would be a
9 specific instruction, wouldn't you?"

10 MS. HORAY: "I knew exactly where to go. I went to
11 the attic."

12 MR. BRESNICK: "Question: All right. Then when you
13 were in the attic, what did you do there?"

14 MS. HORAY: "Went through boxes."

15 MR. BRESNICK: "Question: All right. But you
16 didn't know where in the attic it was?"

17 MS. HORAY: "No."

18 MR. BRESNICK: "Question: You finally came across
19 this box with half-a-million dollars?"

20 MS. HORAY: "I didn't know that it was that -- I
21 didn't know that it was at that time, not until I actually
22 counted it."

23 MR. BRESNICK: "Question: All right. Then you
24 finally got the box?"

25 MS. HORAY: "And it was not a half-a-million dollars

1 because I did not give you a specific amount."

2 (Reading of Tab 171 concluded.)

3 MR. BRESNICK: All right. And if we could turn to
4 Tab 172.

5 MR. HETZNECKER: Your Honor, before we do that may I
6 have a moment with counsel?

7 (Discussion off the record.)

8 MR. HETZNECKER: Thank you, Your Honor.

9 MR. BRESNICK: Tab 172, Your Honor, is Government's
10 Exhibit 600-3. It's page 39, line 20, to page 41, line 25
11 from the complete transcript of Government's 600.

12 Agent Horay, do you have Tab 172?

13 MS. HORAY: Yes, I do.

14 (Mr. Bresnick reads from transcript.)

15 MR. BRESNICK: "Question: Well then the money you
16 got and brought it back to your house, is that right?"

17 MS. HORAY: "Yes."

18 MR. BRESNICK: Actually it's, "Well then you got the
19 money and brought it back to your house, is that right?"

20 MS. HORAY: "Yes."

21 MR. BRESNICK: "Question: What did you do with the
22 money when you brought it back?"

23 MS. HORAY: "Put it in my house."

24 MR. BRESNICK: "Question: Where?"

25 MS. HORAY: "Different locations."

1 MR. BRESNICK: "Question: Did you have a bank
2 account?"

3 MS. HORAY: "No, I did not. My grandfather did not
4 trust banks and that's the way I left things."

5 MR. BRESNICK: "Question: But -- but did you have a
6 bank account?"

7 MS. HORAY: "Yes, I did."

8 MR. BRESNICK: "Question: All right. So why didn't
9 you deposit the money into your bank account?"

10 MS. HORAY: "It wasn't mine to deposit."

11 MR. BRESNICK: "Question: Well, it was entrusted to
12 you to take care of your grandmother, right?"

13 MS. HORAY: "Exactly."

14 MR. BRESNICK: "Question: All right. So I guess
15 now it's yours, it's not your grandfather's, is it?"

16 MS. HORAY: "It was left with a specific instruction
17 to take care of my grandmother."

18 MR. BRESNICK: "Question: Right. So it's in your
19 care."

20 MS. HORAY: "He never trusted a bank and I left it
21 at that."

22 MR. BRESNICK: "Question: All right."

23 MS. HORAY: "That was one of his last wishes so
24 that's how I left it."

25 MR. BRESNICK: "Question: Oh, that was part of the

1 instructions too, that you not deposit the money in a bank?"

2 MS. HORAY: "My grandfather never trusted banks and
3 that is what he always told me my entire life."

4 MR. BRESNICK: "Question: But you have a bank
5 account."

6 MS. HORAY: "I have a bank account. Of course,
7 yes."

8 MR. BRESNICK: "Question: You have your money in
9 your bank account?"

10 MS. HORAY: "I have some money in my bank account."

11 MR. BRESNICK: "Question: So you trust banks?"

12 MS. HORAY: "Enough to have my check deposited into
13 the bank and to pay my bills off, yes."

14 MR. BRESNICK: "Question: But you keep cash, large
15 sums of cash, outside the bank?"

16 MS. HORAY: "If I have large sums of cash at times,
17 I don't have to put it in the bank. There's no law stating I
18 have to put money in the bank."

19 MR. BRESNICK: "Question: All right. So, by the
20 way, how was the cash when you found it in the box? How --
21 how did you find it?"

22 MS. HORAY: "In piles."

23 MR. BRESNICK: "Question: In piles?"

24 MS. HORAY: "Yes."

25 MR. BRESNICK: "Question: Was it rubber-banded?"

1 MS. HORAY: "Yes, it was. My grandfather never used
2 a wallet. He always used rubber bands."

3 (Reading of Tab 172 concluded.)

4 MR. BRESNICK: Could you please turn now to Tab 173,
5 Government's Exhibit 600-4 and this is page 43, line six to
6 page 54, line ten of the complete transcript.

7 MR. HARMELIN: Excuse me, counselor, which tab?

8 MR. BRESNICK: 173.

9 MR. HARMELIN: Oh. I don't have anything there.

10 (Pause in proceedings.)

11 MR. BRESNICK: Are you all right now, Mr. Harmelin?

12 MR. HARMELIN: Yes. Thank you.

13 MR. BRESNICK: Certainly.

14 THE COURT: Go ahead, Mr. Bresnick.

15 MR. BRESNICK: Thank you, Your Honor.

16 All right, ma'am, at the top of Tab 173.

17 (Mr. Bresnick reads from transcript.)

18 MR. BRESNICK: "Question: So when you brought it
19 back to your house, did you count the money?"

20 MS. HORAY: "Yes, I did."

21 MR. BRESNICK: "Question: All right. You didn't
22 count it in the attic?"

23 MS. HORAY: "No, I did not."

24 MR. BRESNICK: "Question: All right. How did you
25 count the money?"

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1 MS. HORAY: "With a money counter."

2 MR. BRESNICK: "Question: You got a money counter?"

3 MS. HORAY: "I had a money counter."

4 MR. BRESNICK: "Question: You had a money counter?
5 Why did you have a money counter?"

6 MS. HORAY: "Because it was more than I planned on
7 counting."

8 MR. BRESNICK: "Question: Well, so after you got
9 the money from your grandfather's attic, it was just a lot of
10 money and you didn't want to count it by hand so you bought a
11 money counter?"

12 MS. HORAY: "Yes."

13 MR. BRESNICK: "Question: Where did you buy it?"

14 MS. HORAY: "Staples."

15 MR. BRESNICK: "Question: How much did you pay for
16 it?"

17 MS. HORAY: "I don't remember."

18 MR. BRESNICK: "Question: Approximately."

19 MS. HORAY: "I don't remember approximately."

20 MR. BRESNICK: "Question: Give -- give me a guess.
21 \$10?"

22 MS. HORAY: "It was more than \$10, and no, I do not
23 remember the approximate amount."

24 MR. BRESNICK: "Question: Well, if it was more than
25 \$10, was it more than \$100?"

1 MS. HORAY: "I just stated I do not remember."

2 MR. BRESNICK: "Question: Well, was it more than
3 \$20?"

4 MS. HORAY: "I do not remember."

5 MR. BRESNICK: "Question: But you remember it was
6 more than \$10?"

7 MS. HORAY: "I remember that."

8 MR. BRESNICK: "Question: You don't remember that
9 it was more than \$20?"

10 MS. HORAY: "I do not remember the exact amount."

11 MR. BRESNICK: "Question: Which Staples did you buy
12 it at?"

13 MS. HORAY: "I don't remember which Staples.
14 There's about three or four in my area."

15 MR. BRESNICK: "Question: All right. Where are
16 they?"

17 MS. HORAY: "One in Cumberland County, one in two --
18 one in New -- two in New Castle County and one in Deptford."

19 MR. BRESNICK: "Question: Where you had shopped at
20 these before?"

21 MS. HORAY: "Yes."

22 MR. BRESNICK: "Question: At all three of them?"

23 MS. HORAY: "Yes."

24 MR. BRESNICK: "Question: All right. So give me
25 the addresses if you have them."

1 MS. HORAY: "I don't know the exact address."

2 MR. BRESNICK: "Question: Well, approximately what
3 street are they on?"

4 MS. HORAY: "I don't know the approximate street
5 that they're on."

6 MR. BRESNICK: "Question: So you bought the money
7 counter. Was anyone with you when you bought the money
8 counter?"

9 MS. HORAY: "No."

10 MR. BRESNICK: "Question: Where did you put the
11 money counter when you brought it back to your house?"

12 MS. HORAY: "On the side of my couch."

13 MR. BRESNICK: "Question: That's where you counted
14 the money that your grandfather left you?"

15 MS. HORAY: "Yes."

16 MR. BRESNICK: "Question: So obviously it was a
17 significant amount of money you're saying that your
18 grandfather left you because you needed a money counter to
19 count it?"

20 MS. HORAY: "Yes."

21 MR. BRESNICK: "Question: All right. Was anyone
22 with you in the home when you bought -- when you counted the
23 money?"

24 MS. HORAY: "No."

25 MR. BRESNICK: "Question: You were by yourself?"

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1 MS. HORAY: "Yes."

2 MR. BRESNICK: "Question: Have you used a money
3 counter since?"

4 MS. HORAY: "No."

5 MR. BRESNICK: "Question: Where did you put it
6 after you counted the money?"

7 MS. HORAY: "On the side of my couch."

8 MR. BRESNICK: "Question: You left it on the side
9 of your couch?"

10 MS. HORAY: "Yes."

11 MR. BRESNICK: "Question: All right. Do you own a
12 firearm?"

13 MS. HORAY: "I did. I did."

14 MR. BRESNICK: "Question: What kind? What kind of
15 gun?"

16 MS. HORAY: "Nine millimeter Smith and Wesson."

17 MR. BRESNICK: "Question: All right. Do you recall
18 the serial number?"

19 MS. HORAY: "No, I do not."

20 MR. BRESNICK: "Question: Did you buy that gun?"

21 MS. HORAY: "Yeah, I did."

22 MR. BRESNICK: "Question: Where did you buy it?"

23 MS. HORAY: "Butchs Gun World in Vineland, New
24 Jersey. It's all stated on the copy of my gun permit that was
25 given to the agents."

1 MR. BRESNICK: "Question: When did you buy this?"
2 MS. HORAY: "I think in early 2000."
3 MR. BRESNICK: "Question: How much did it cost?"
4 MS. HORAY: "Probably about \$495."
5 MR. BRESNICK: "Question: Did you pay by cash or
6 check?"
7 MS. HORAY: "By cash."
8 MR. BRESNICK: "Question: Was it your own money?"
9 MS. HORAY: "Of course it was."
10 MR. BRESNICK: "Question: Did anyone go with you
11 when you went to buy the -- go by the gun?"
12 MS. HORAY: "No."
13 MR. BRESNICK: "Question: Why did you buy a gun?"
14 MS. HORAY: "For the protection of me and my
15 children."
16 MR. BRESNICK: "Question: Why did you need
17 protection?"
18 MS. HORAY: "I'm a single mother. People like to
19 take advantage of people when they see them single."
20 MR. BRESNICK: "Question: Have you ever had any
21 trouble? Have you ever needed a gun?"
22 MS. HORAY: "The neighborhood was getting bad."
23 MR. BRESNICK: "Question: The neighborhood at 5
24 North Burden Hill Road?"
25 MS. HORAY: "The area itself."

1 MR. BRESNICK: "Question: Did you keep the gun
2 loaded?"

3 MS. HORAY: "Yes."

4 MR. BRESNICK: "Question: What round of ammunition
5 was it?"

6 MS. HORAY: "Nine millimeter."

7 MR. BRESNICK: "Question: Did you have any other
8 kind of caliber ammunition?"

9 MS. HORAY: "In the gun?"

10 MR. BRESNICK: "Question: In the house."

11 MS. HORAY: "I don't know. Probably."

12 MR. BRESNICK: "Question: Yeah, why?"

13 MS. HORAY: "Because my grandfather used to own
14 guns."

15 MR. BRESNICK: "Question: Oh, he did? Did he keep
16 guns over at your place?"

17 MS. HORAY: "No, but when I moved most of the stuff
18 out of the house, I just have everything in the house."

19 MR. BRESNICK: "Question: So you're saying that you
20 took stuff from your grandfather's house to your house?"

21 MS. HORAY: "Yes."

22 MR. BRESNICK: "Question: You're saying along with
23 those might have been some other caliber ammunition?"

24 MS. HORAY: "Yes."

25 MR. BRESNICK: "Question: All right. Why would you

1 keep that?"

2 MS. HORAY: "A lot of things I never got the time to
3 go through."

4 MR. BRESNICK: "Question: This was February, 2004,
5 is that right?"

6 MS. HORAY: "Yes."

7 MR. BRESNICK: "Question: Your house was searched
8 in August of '05?"

9 MS. HORAY: "Yes."

10 MR. BRESNICK: "Question: You didn't have the time
11 to go through your grandfather's stuff in that time?"

12 MS. HORAY: "I did work."

13 MR. BRESNICK: "Question: I understand that."

14 MS. HORAY: "I did have two kids. My kids have
15 activities and I have activities myself."

16 MR. BRESNICK: "Question: So a year and a half went
17 by and you still didn't go through the stuff your -- you
18 brought from your grandfather's house?"

19 MS. HORAY: "Not everything."

20 MR. BRESNICK: "Question: All right. What type of
21 guns did your grandfather have?"

22 MS. HORAY: "I don't remember. They were old.
23 That's all I remember."

24 MR. BRESNICK: "Question: You don't know what
25 caliber?"

1 MS. HORAY: "No."

2 MR. BRESNICK: "Question: Were they revolvers?"

3 MS. HORAY: "No."

4 MR. BRESNICK: "Question: Did he show you the
5 guns?"

6 MS. HORAY: "I had seen them. He didn't show them.
7 I've actually seen them."

8 MR. BRESNICK: "Question: Where did you see them?"

9 MS. HORAY: "In his home when he was alive."

10 MR. BRESNICK: "Question: Where in his home?"

11 MS. HORAY: "In his bedroom."

12 MR. BRESNICK: "Question: How many guns did he
13 have?"

14 MS. HORAY: "Two."

15 MR. BRESNICK: "Question: You don't know what types
16 they were?"

17 MS. HORAY: "No."

18 MR. BRESNICK: "Question: Do you know what colors
19 they were?"

20 MS. HORAY: "Black."

21 MR. BRESNICK: "Question: They were both black?"

22 MS. HORAY: "Yes."

23 MR. BRESNICK: "Question: Did your grandfather --
24 was your grandmother alive with him?"

25 MS. HORAY: "Yes."

1 MR. BRESNICK: "Question: Is she still alive?"

2 MS. HORAY: "Yes, she is."

3 MR. BRESNICK: "Question: What's her name?"

4 MS. HORAY: "Charlotte Fletcher."

5 MR. BRESNICK: "Question: Where is she living now?"

6 MS. HORAY: "Same address, 333 East Broadway."

7 MR. BRESNICK: "Question: So you're saying your
8 grandfather kept guns in the bedroom?"

9 MS. HORAY: "Yes."

10 MR. BRESNICK: "Question: So your grandmother would
11 have seen them, right?"

12 MS. HORAY: "I doubt it."

13 MR. BRESNICK: "Question: Well, where did you see
14 the guns?"

15 MS. HORAY: "In his armoire, where he kept his
16 clothes at."

17 MR. BRESNICK: "Question: You went through his
18 drawers?"

19 MS. HORAY: "Yes."

20 MR. BRESNICK: "Question: Why did you do" --

21 MS. HORAY: "I was taking care of him."

22 MR. BRESNICK: "Question: All right. So when you
23 went through his drawers you saw guns there, is that right?"

24 MS. HORAY: "Yes."

25 MR. BRESNICK: "Question: You said two guns?"

1 MS. HORAY: "Yes."

2 MR. BRESNICK: "Question: Or you had seen more?"

3 MS. HORAY: "Two."

4 MR. BRESNICK: "Question: You didn't see more than
5 that?"

6 MS. HORAY: "Two."

7 MR. BRESNICK: "Question: All right. Now, also
8 recovered from your home, ma'am, were 113 loose rounds of nine
9 millimeter ammunition. Were those yours as well?"

10 MS. HORAY: "I'm sure."

11 MR. BRESNICK: "Question: Why did you need to carry
12 that many rounds of ammunition?"

13 MS. HORAY: "Practice."

14 MR. BRESNICK: "Question: What do you mean?"

15 MS. HORAY: "Firearm practice, practice shooting.
16 You have to have precision."

17 MR. BRESNICK: "Question: Where would you practice
18 shooting?"

19 MS. HORAY: "Normally in the woods."

20 MR. BRESNICK: "Question: The woods near your
21 house?"

22 MS. HORAY: "Yes."

23 MR. BRESNICK: "Question: All right. So you --
24 your gun -- by -- by the way, when it was seized, had seven
25 live rounds in it at the time."

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1 MS. HORAY: "I know that."

2 MR. BRESNICK: "Question: You're saying you put
3 those rounds in the gun?"

4 MS. HORAY: "I did."

5 MR. BRESNICK: "Question: All right. You had an
6 additional 113 rounds as well?"

7 MS. HORAY: "I'm sure."

8 MR. BRESNICK: "Question: Just for practice?"

9 MS. HORAY: "Yes."

10 MR. BRESNICK: "Question: What do you shoot at when
11 you practice?"

12 MS. HORAY: "Cans."

13 MR. BRESNICK: "Question: Who goes with you when
14 you practice?"

15 MS. HORAY: "No one."

16 MR. BRESNICK: "Question: You go by yourself every
17 time you practice?"

18 MS. HORAY: "Yes."

19 MR. BRESNICK: "Question: You've never been with
20 another person?"

21 MS. HORAY: "No."

22 MR. BRESNICK: "Question: Actually, ma'am, one
23 other thing. I noticed there was a digital scale also
24 recovered from your house?"

25 MS. HORAY: "I had no recollection of a digital

1 scale of being at my home."

2 MR. BRESNICK: "Question: So that wasn't yours?"

3 MS. HORAY: "I don't recall it being there."

4 MR. BRESNICK: "Question: Do you remember buying a
5 digital scale?"

6 MS. HORAY: "Not right off hand, no."

7 MR. BRESNICK: "Question: How about now?"

8 MS. HORAY: "If I just said right off hand no, my
9 answer's going to be the same, no."

10 MR. BRESNICK: "Question: Do you need additional
11 time to think about it?"

12 MS. HORAY: "No, I do not."

13 MR. BRESNICK: "Question: Now, ma'am, what does
14 James Morris do for a living?"

15 MS. HORAY: "As far as I know, he works through the
16 union."

17 MR. BRESNICK: "Question: What does he do for the
18 union?"

19 MS. HORAY: "He's a laborer."

20 MR. BRESNICK: "Question: Where does he work?"

21 MS. HORAY: "Wherever they send him."

22 MR. BRESNICK: "Question: What has he told you
23 about that?"

24 MS. HORAY: "We really don't discuss our jobs. I
25 wouldn't understand his and he wouldn't understand mine."

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1 MR. BRESNICK: "Question: But you say he's a
2 laborer. Do you know what union it was?"

3 MS. HORAY: "I think a -- Local 199."

4 MR. BRESNICK: "Question: Local 199, based out of
5 New Jersey?"

6 MS. HORAY: "Delaware."

7 MR. BRESNICK: "Question: Did he report to
8 anybody?"

9 MS. HORAY: "I don't know."

10 MR. BRESNICK: "Question: To your knowledge, does
11 he own any -- any property?"

12 MS. HORAY: "No."

13 MR. BRESNICK: "Question: Does he own any stocks?"

14 MS. HORAY: "No."

15 MR. BRESNICK: "Question: Bonds?"

16 MS. HORAY: "Not to my knowledge."

17 MR. BRESNICK: "Question: CDs?"

18 MS. HORAY: "Not to my knowledge."

19 MR. BRESNICK: "Question: How about IRAs?"

20 MS. HORAY: "Not to my knowledge."

21 MR. BRESNICK: "Question: Did he have any bank
22 accounts?"

23 MS. HORAY: "I really don't know."

24 MR. BRESNICK: "Question: Have you ever seen him
25 write a check?"

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1 MS. HORAY: "No."

2 MR. BRESNICK: "Question: He's never given you a
3 check?"

4 MS. HORAY: "Not a personal check, no."

5 MR. BRESNICK: "Question: How about a business
6 check?"

7 MS. HORAY: "No. Just my child support checks."

8 (Reading of Tab 173 concluded.)

9 MR. BRESNICK: If you could turn now to Tab 174,
10 ma'am, it's Government's Exhibit 600-5. And, Your Honor, this
11 is page 79, line five, to page 83, line six of the complete
12 transcript.

13 Are you at that tab, ma'am?

14 MS. HORAY: I am.

15 (Mr. Bresnick reads from transcript.)

16 MR. BRESNICK: "Question: How about your
17 grandmother, where is she living now?"

18 MS. HORAY: "The same place, 333 East Broadway."

19 MR. BRESNICK: "Question: Is she -- does she work?"

20 MS. HORAY: "She's 81."

21 MR. BRESNICK: "Question: Well, did -- did she used
22 to work?"

23 MS. HORAY: "It's been years. Most of the time, she
24 was a housewife."

25 MR. BRESNICK: "Question: How -- how is she

1 surviving at the moment, money-wise?"

2 MS. HORAY: "Social Security."

3 MR. BRESNICK: "Question: She's getting Social
4 Security?"

5 MS. HORAY: "Yes."

6 MR. BRESNICK: "Question: How about the money that
7 your grandfather gave you to help her out? Are you giving her
8 any of that?"

9 MS. HORAY: "How can I give it to her when I no
10 longer have it?"

11 MR. BRESNICK: "Question: Well, did you give it to
12 her when you had it?"

13 MS. HORAY: "Whatever she needed."

14 MR. BRESNICK: "Question: All right. Well other
15 than that money that you used to give her, do you know of any
16 other money that she used to get?"

17 MS. HORAY: "No."

18 MR. BRESNICK: "Question: Is anybody giving her
19 money now, other than her Social Security?"

20 MS. HORAY: "She has Eight children -- no, she has
21 seven."

22 MR. BRESNICK: "Question: Is she of sound mind?"

23 MS. HORAY: "Yes, she is."

24 MR. BRESNICK: "Question: Just a little infirmed
25 for her age?"

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1 MS. HORAY: "She's arthritic."

2 MR. BRESNICK: "Question: She's arthritic?"

3 MS. HORAY: "Yes."

4 MR. BRESNICK: "Question: Is she able to get around
5 though?"

6 MS. HORAY: "She gets around."

7 MR. BRESNICK: "Question: All right. Do you know
8 why your grandfather wouldn't leave the money to her?"

9 MS. HORAY: "No, I don't."

10 MR. BRESNICK: "Question: Did your grandmother ever
11 ask you about that?"

12 MS. HORAY: "No, she didn't."

13 MR. BRESNICK: "Question: Did you tell your
14 grandmother that your grandfather left you a large sum of
15 money?"

16 MS. HORAY: "I did."

17 MR. BRESNICK: "Question: What did she say?"

18 MS. HORAY: "She just said okay."

19 MR. BRESNICK: "Question: Were -- where were you
20 when you said that?"

21 MS. HORAY: "Her home."

22 MR. BRESNICK: "Question: When was this?"

23 MS. HORAY: "I don't remember the exact date of when
24 it was."

25 MR. BRESNICK: "Question: You don't? But it was

1 sometime after your grandfather died?"

2 MS. HORAY: "It was after his passing, yes."

3 MR. BRESNICK: "Question: A few months after he had
4 died?"

5 MS. HORAY: "Probably, yes."

6 MR. BRESNICK: "Question: What did you tell your
7 grandmother?"

8 MS. HORAY: "He told me to make sure that I took
9 care of her."

10 MR. BRESNICK: "Question: She didn't ask why?"

11 MS. HORAY: "No, she did not."

12 MR. BRESNICK: "Question: Why the money couldn't be
13 left to her?"

14 MS. HORAY: "No, she did not."

15 MR. BRESNICK: "Question: All right. But you told
16 her that your grandfather left you a lot of money?"

17 MS. HORAY: "For her use, yes."

18 MR. BRESNICK: "Question: All right. Now, how
19 about" --

20 MR. BRESNICK: -- and then, Your Honor, if I could
21 read Mr. Llorett's line as well?

22 THE COURT: All right.

23 MR. LLORETT: "Ma'am, let me -- I'm sorry, did --
24 did you tell our grandmother how much he left?"

25 MS. HORAY: "No, I did not."

1 MR. LLORETT: "But you knew how much it was at the
2 time because you counted it, correct?"

3 MS. HORAY: "Yes."

4 MR. BRESNICK: And then it's back to me, Your Honor.

5 "Question: What did your grandfather do when he was
6 alive for a living?"

7 MS. HORAY: "Were you a boiler maker?"

8 MR. BRESNICK: "Question: Boiler maker?"

9 MS. HORAY: "Yes."

10 MR. BRESNICK: "Question: Where did he work?"

11 MS. HORAY: "His last job was at Salem Vocational
12 School. Prior to that he had numerous jobs. He worked an
13 extended amount of time for Sears and he did a lot of other
14 work other than -- you know, his regular jobs. Worked for
15 people in their -- at their homes and things such as that."

16 MR. BRESNICK: "Question: Handy work?"

17 MS. HORAY: "Yes."

18 MR. BRESNICK: "Question: All right. When he got
19 -- well, how long -- when did he stop working? Was he working
20 up until the time he died?"

21 MS. HORAY: "Basically, yeah. He had retired from
22 his actual job but like I said, he still did handy things for
23 people."

24 MR. BRESNICK: "Question: Right. Was he in the
25 union, ma'am?"

1 MS. HORAY: "I don't think so, not that I recall."

2 (Reading of Tab 174 concluded.)

3 Your Honor, may I have a moment with counsel?

4 THE COURT: Yes.

5 (Discussion off the record.)

6 MR. BRESNICK: Your Honor, we're going to read a
7 selection from the Grand Jury transcript that is not included
8 in the books at the moment. It's page 112, previously
9 discussed among counsel.

10 THE COURT: Yes.

11 MR. BRESNICK: Do you have that complete transcript,
12 Agent?

13 MS. HORAY: I do.

14 MR. BRESNICK: All right. And then please go to
15 page 112.

16 MS. HORAY: Okay.

17 MR. BRESNICK: And there's a question from a Grand
18 Juror starting at line three. I'll read the Grand Juror and
19 you read the witness's answer.

20 MS. HORAY: Okay.

21 (Mr. Bresnick reads from transcript.)

22 MR. BRESNICK: "Maybe this is just how your
23 grandfather was. But why would he ask you to hold the money
24 if your grandmother was still able to make the decisions, why
25 did he want you to take care of your grandmother?"

1 MS. HORAY: "My grandfather basically, like I said,
2 the neighborhood's getting bad. A lot of people used to ask
3 them to borrow money, things like that. He didn't want those
4 types of problems basically towards my grandmother. He didn't
5 want anything like that as long as he is -- he didn't want any
6 -- he didn't want anybody to target her, you know, fell as
7 though they're getting over on her."

8 MR. BRESNICK: And then the question from the Grand
9 Juror goes on, "So his last -- she could say, I don't have it
10 basically?"

11 MS. HORAY: "Yes."

12 MR. BRESNICK: "Grand Juror's question: Because
13 actually you had possession of it?"

14 MS. HORAY: "Right."

15 (Reading of Grand Juror question completed.)

16 MR. BRESNICK: If you could turn now to Tab 175,
17 it's Government's Exhibit 600-6. It's page 84, lines nine
18 through 23.

19 Do you have that, Agent?

20 MS. HORAY: I do.

21 (Mr. Bresnick reads from transcript.)

22 MR. BRESNICK: "Question: Have you paid for anybody
23 else's lawyer?"

24 MS. HORAY: "No, I have not."

25 MR. BRESNICK: "Question: Has anybody asked you to

1 pay for anybody's lawyer?"

2 MS. HORAY: "No.

3 MR. BRESNICK: "Question: Do you know Alton Coles?"

4 MS. HORAY: "I didn't know him by that name. No, I
5 did not, until the article came out in the newspaper."

6 MR. BRESNICK: "Question: You knew him by the name
7 Ace?"

8 MS. HORAY: "Yes."

9 MR. BRESNICK: "Question: Ace Capone?"

10 MS. HORAY: "Just Ace."

11 MR. BRESNICK: "Question: Just Ace?"

12 MS. HORAY: "Yes."

13 (Reading of Tab 175 concluded.)

14 MR. BRESNICK: All right, turn to Tab 176, please,
15 Government's Exhibit 600-7. It's page 96, line six to page
16 100, line 24 of the complete transcript.

17 (Mr. Bresnick reads from transcript.)

18 MR. BRESNICK: "Question: Since James Morris got
19 arrested, you haven't made any payment on his behalf to any
20 lawyers, have you?"

21 MS. HORAY: "No, I have not."

22 MR. BRESNICK: "Question: You haven't made any
23 payments to any attorney since he got arrested other than you
24 own, is that correct?"

25 MS. HORAY: "No, I have not."

1 MR. BRESNICK: "Question: Have you paid your own
2 lawyer?"

3 MS. HORAY: "Yes."

4 MR. BRESNICK: "Question: How much have you paid
5 him?"

6 MS. HORAY: "1,500."

7 MR. BRESNICK: "Question: Did you pay that in cash
8 or my check?"

9 MS. HORAY: "Cash."

10 MR. BRESNICK: "Question: When did you pay him in
11 cash?"

12 MS. HORAY: "About a week or so ago."

13 MR. BRESNICK: "Question: Where did you get the
14 cash to pay him?"

15 MS. HORAY: "Money I had."

16 MR. BRESNICK: "Question: Where was the money?"

17 MS. HORAY: "In my purse."

18 MR. BRESNICK: "Question: Is that money from your
19 employment?"

20 MS. HORAY: "No. Money just -- I just have. I
21 don't spend everything that I get."

22 MR. BRESNICK: "Question: Well, did someone give
23 you that money?"

24 MS. HORAY: "Yes."

25 MR. BRESNICK: "Question: Who gave you the money?"

1 MS. HORAY: "My mother."

2 MR. BRESNICK: "Question: That's Linda Fletcher
3 gave you?"

4 MS. HORAY: "Yes."

5 MR. BRESNICK: "Question: So she gave you cash to
6 pay your lawyer?"

7 MS. HORAY: "She's given me money. I didn't say all
8 of it came from her. Like I said, I don't spend everything I
9 that I get so I'll have in my purse."

10 MR. BRESNICK: "Question: Where did you get the
11 other money that your mom didn't give you?"

12 MS. HORAY: "Babysitting for people, things like
13 that."

14 MR. BRESNICK: "Question: Little odd jobs?"

15 MS. HORAY: "Yes."

16 MR. BRESNICK: "Question: Now how much of that
17 1,500 did your mom give you?"

18 MS. HORAY: "500."

19 MR. BRESNICK: "Question: The rest, \$1,000, you
20 just earned?"

21 MS. HORAY: "Yes."

22 MR. BRESNICK: "Question: From various places?"

23 MS. HORAY: "Yes."

24 MR. BRESNICK: "Question: Because you're not
25 working for the Lindsey (phonetic) house now, correct?"

1 MS. HORAY: "No, I'm not."

2 MR. BRESNICK: "Question: Are you drawing
3 Unemployment?"

4 MS. HORAY: "No, I'm not."

5 MR. BRESNICK: "Question: Do you have any source of
6 income other than the child support?"

7 MS. HORAY: "No, I don't."

8 MR. BRESNICK: "Question: the child support, that's
9 dried up now?"

10 MS. HORAY: "Yes."

11 MR. BRESNICK: "Question: Since Mr. Morris has been
12 in jail?"

13 MS. HORAY: "Yes."

14 MR. BRESNICK: "Question: You have zero money
15 coming in other than your odd jobs, correct?"

16 MS. HORAY: "Exactly."

17 MR. BRESNICK: Now, other than your lawyer and this
18 \$1,500, you haven't paid any other lawyers, have you?"

19 MS. HORAY: "No."

20 MR. BRESNICK: "Question: Now, you just -- you
21 haven't had like 25 or \$50,000 hanging around over the last
22 few months, have you?"

23 MS. HORAY: "I wish. No, I haven't."

24 MR. BRESNICK: "Question: Well, you know, your
25 family hasn't like just given you 25 or \$50,000, right?"

1 MS. HORAY: "No."

2 MR. BRESNICK: "Question: They haven't just said
3 here, here's \$25,000 in cash, go do what you need to do?"

4 MS. HORAY: "No. They gave me a couple of hundred
5 at a time but that's basically about it."

6 MR. BRESNICK: "Question: Nobody's give you any --
7 like 25 or \$50,000 to go pay lawyers or do the things in
8 litigation or anything like that, correct?"

9 MS. HORAY: "No. I don't know any lawyers that much
10 money."

11 MR. BRESNICK: "Question: You haven't paid that
12 money for something else? You haven't been like a courier to
13 go pay somebody, correct?"

14 MS. HORAY: "Not that I recall."

15 MR. BRESNICK: "Question: Well, let me ask you a
16 question because I know how I am. If somebody puts \$25,000
17 cash in my hand and says to go give it somebody, I would make
18 sure I would remember. Is that the way you were?"

19 MS. HORAY: "Yes, pretty much."

20 MR. BRESNICK: "Question: So if somebody gave you
21 \$25,000 in the last six months to go give it to somebody, you
22 wouldn't sit here telling us you didn't remember all that,
23 would you? Have you had any head blows or anything in the
24 last six months or" --

25 MS. HORAY: "Actually, yeah, I did. I fell down a

1 flight of steps."

2 MR. BRESNICK: "Question: So it might be around
3 that time you would forget something like that, is that what
4 you're telling us?"

5 MS. HORAY: "Could you be more specific, please?"

6 MR. BRESNICK: "Question: Sure."

7 MS. HORAY: "Thank you."

8 MR. BRESNICK: "Question: Just -- maybe we could
9 just cut back to the original question."

10 MS. HORAY: "Okay."

11 MR. BRESNICK: "Question: You -- you haven't had
12 25,000 in cash over the last six months?"

13 MS. HORAY: "No, I don't have \$25,000 cash."

14 MR. BRESNICK: "Question: You haven't given \$25,000
15 in cash to anybody, correct?"

16 MS. HORAY: "No, I have not"

17 MR. BRESNICK: "Question: Not just in the last six
18 months. You haven't given 25,000 in cash to anybody ever,
19 have you?"

20 MS. HORAY: "No."

21 (Reading of Tab 176 concluded.)

22 MR. BRESNICK: If you could turn to Tab 177, it's
23 Government's Exhibit 600-8, it's page 103, line 11 to page
24 104, line six.

25 (Mr. Bresnick reads from transcript.)

1 MR. BRESNICK: "Question: One more question about
2 that line of money that you got from your grandfather. Where
3 did you store it in your house before the agents seized it on
4 August 10th?"

5 MS. HORAY: "Various locations."

6 MR. BRESNICK: "Question: You split it up in
7 various amounts?"

8 MS. HORAY: "Yes, I did."

9 MR. BRESNICK: "Question: Why did you do that?"

10 MS. HORAY: "Just because I did."

11 MR. BRESNICK: "Question: Why did you split it up?"

12 MS. HORAY: "Because I did. That's how I am. I do
13 things such as that. I will remove things and put part here
14 and part there."

15 MR. BRESNICK: "Question: For what reason?"

16 MS. HORAY: "None."

17 MR. BRESNICK: "Question: No reason? You just like
18 -- split up the money?"

19 MS. HORAY: "That's just the type of person that I
20 am."

21 MR. BRESNICK: "Question: Well, how many different
22 places did you store the money?"

23 MS. HORAY: "One, two, three, four, five."

24 (Reading of Tab 177 concluded.)

25 MR. BRESNICK: And, Your Honor, we'll go now to Tab

1 179, Government's Exhibit 600-10. It's page 107, line one to
2 page 109, line 22.

3 (Mr. Bresnick reads from transcript.)

4 MR. BRESNICK: "Question: But how was the money?
5 Was it rubber-banded? Was it in envelopes? Was it in boxes?
6 How did you keep it?"3

7 MS. HORAY: "It was rubber-banded. I had already
8 stated that."

9 MR. BRESNICK: "Question: Did you keep it envelopes
10 as well or just rubber-banded?"

11 MS. HORAY: "No, it was just basically rubber-band,
12 bag, whatever."

13 MR. BRESNICK: "Question: So you had them in some
14 -- some locations you had them in bags?"

15 MS. HORAY: "Yeah."

16 MR. BRESNICK: "Question: And some you had in
17 rubber bands?"

18 MS. HORAY: "Most of them were rubber-banded in
19 bags."

20 MR. BRESNICK: "Question: How many different
21 locations were there?"

22 MS. HORAY: "I told you, it was four or five."

23 MR. BRESNICK: "Question: I believe you said five,
24 is that right?"

25 MS. HORAY: "Yes."

1 MR. BRESNICK: "Question: So these five -- are you
2 sure about the five?"

3 MS. HORAY: "I said four or five."

4 MR. BRESNICK: "Question: But before you said five.
5 Are you changing your testimony now?"

6 MS. HORAY: "I'm not changing anything. I wasn't
7 sure. You said I said four or five."

8 MR. BRESNICK: "Question: You said five, or are you
9 saying it was four or five?"

10 MS. HORAY: "Then it's five if that's what I said."

11 MR. BRESNICK: "Question: That's currently your
12 answer now?"

13 MS. HORAY: "Yes."

14 MR. BRESNICK: "Question: So five different
15 locations at your -- that you kept the money in that you got
16 from your grandfather?"

17 MS. HORAY: "Yes."

18 MR. BRESNICK: "Question: All right. Now, in these
19 five locations, you said some you had the money in bags, is
20 that right?"

21 MS. HORAY: "Yes."

22 MR. BRESNICK: "Question: Some were in envelopes?"

23 MS. HORAY: "Yes. No -- I did not say envelopes. I
24 said rubber=banded in bags."

25 MR. BRESNICK: "Question: Were they all in bags?"

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1 MS. HORAY: "Yeah, I think so."

2 MR. BRESNICK: "Question: So all different -- all
3 five locations had the money rubber-banded in bags, is that
4 right?"

5 MS. HORAY: "Yeah, I'm pretty sure."

6 MR. BRESNICK: "Question: Do you know what
7 denominations you kept the different groups of money in?"

8 MS. HORAY: "No. Right off hand, no."

9 MR. BRESNICK: "Question: Do you know?"

10 MS. HORAY: "No. I mean, not right off hand. I
11 mean, it was in fives or tens."

12 MR. BRESNICK: "Question: Did you have any singles,
13 any ones or anything like that?"

14 MS. HORAY: "I don't remember."

15 MR. BRESNICK: "Question: But it was fives or tens?"

16 MS. HORAY: "In -- yeah, fives to tens."

17 MR. BRESNICK: "Question: Were they in 20s?"

18 MS. HORAY: "I'm sure I had 20s, hundreds, 50s."

19 MR. BRESNICK: "Question: You had hundreds as
20 well?"

21 MS. HORAY: "I'm sure."

22 MR. BRESNICK: "Question: Hundreds and 50s?"

23 MS. HORAY: "Yes."

24 MR. BRESNICK: "Question: Was there a thousand
25 dollar bill? Were there any thousand dollar bills?"

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1 MS. HORAY: "Not that I saw."

2 MR. BRESNICK: "Question: But you saw all the
3 money, right?"

4 MS. HORAY: "Yes."

5 MR. BRESNICK: "Question: Because you counted it."

6 MS. HORAY: "Yes."

7 MR. BRESNICK: "Question: All right."

8 (Reading from Tab 179 concluded.)

9 MR. BRESNICK: Your Honor, I'm going to ask the
10 witness now to read from the selections that we discussed in
11 Tab 180 that had been removed from the juror's books so they
12 will not be able to follow along in the transcript but they'll
13 just hear the testimony.

14 THE COURT: All right.

15 MR. BRESNICK: Ma'am, do you have Tab 180 in your
16 book?

17 MS. HORAY: No.

18 MR. BRESNICK: You don't have that.

19 MS. HORAY: I have it here. That's fine, this one,
20 yes.

21 MR. BRESNICK: Ma'am, could you turn -- it's the
22 bottom -- it's page three of Tab 180. Do you have that,
23 ma'am?

24 MS. HORAY: I do.

25 MR. BRESNICK: All right. And it's line 13. Do you

1 see that?

2 MS. HORAY: Yes.

3 MR. BRESNICK: And the first question begins with,
4 "All right. Where was the money counter located." Do you
5 have that?

6 MS. HORAY: Yes.

7 MR. BRESNICK: All right.

8 Your Honor, this selection will be -- first, Your
9 Honor, it's Government's Exhibit 600-11 and the selection will
10 be page 121, line 13 to page 126, line one.

11 (Mr. Bresnick reads from transcript.)

12 MR. BRESNICK: "Question: Where was the money
13 counter located?"

14 MS. HORAY: "On the side of my couch."

15 MR. BRESNICK: "Question: That is in your living
16 room?"

17 MS. HORAY: "Yes."

18 MR. BRESNICK: "Question: Were you busy counting
19 the money out there?"

20 MS. HORAY: "No, it had been there."

21 MR. BRESNICK: "Question: Had you been counting the
22 money there in the living room?"

23 MS. HORAY: "It had been over a while. It's been a
24 while since I had."

25 MR. BRESNICK: "Question: You're saying the money

1 counter sat in your living room for like a year and a half?"

2 MS. HORAY: "It sat to the side. It sat on the side
3 of my couch."

4 MR. BRESNICK: "Question: For a year and a half?"

5 MS. HORAY: "Probably, yes."

6 MR. BRESNICK: "Question: Did you put cups of
7 coffee on it or something?"

8 MS. HORAY: "No. Actually, my son's nebulizer sat
9 on it because it was up and they could reach their mask."

10 MR. BRESNICK: "Question: There was a nebulizer
11 found on the money counter?"

12 MS. HORAY: "Yes. It was a big box."

13 MR. BRESNICK: "Question: How about the digital
14 scale in the kitchen? What was that doing there?"

15 MS. HORAY: "I don't recall a digital scale."

16 MR. BRESNICK: "Question: You don't recall that?"

17 MS. HORAY: "No, I don't."

18 MR. BRESNICK: "Question: You didn't own a digital
19 scale, do you?"

20 MS. HORAY: "Not to my knowledge, no."

21 MR. BRESNICK: "Question: Not -- not to your
22 knowledge?"

23 MS. HORAY: "No. I don't ever recall."

24 MR. BRESNICK: "Question: What does that mean, not
25 to your knowledge?"

1 MS. HORAY: "I don't recall."

2 MR. BRESNICK: "Question: A digital scale -- who --
3 whose knowledge am I talking about?"

4 MS. HORAY: "I don't know. You tell me. You found
5 the digital scale and" --

6 MR. BRESNICK: "Question: I'm just asking. Do you
7 own a digital scale?"

8 MS. HORAY: "No, I don't."

9 MR. BRESNICK: "Question: Okay, that's a simple
10 question, a simple answer."

11 MS. HORAY: "Okay."

12 MR. BRESNICK: "Question: You said that your father
13 or your grandfather had a lot of ammunition in his stuff, is
14 that right?"

15 MS. HORAY: "I said that I -- he had two guns and I
16 had took other things from the house. What was in the boxes
17 and things, I don't exactly remember. I never went through
18 all the boxes."

19 MR. BRESNICK: "Question: So you went through the
20 boxes. You initially spent hours all day you said and you
21 found the money in the attic but you never saw any ammunition
22 when you looked through those boxes, did you?"

23 MS. HORAY: "I don't recall. I -- I probably did."

24 MR. BRESNICK: "Question: You don't know?"

25 MS. HORAY: "I didn't pay any attention to the

1 cash."

2 MR. BRESNICK: "Question: You didn't pay any
3 attention to the amount of money, correct?"

4 MS. HORAY: "If it was there, no, I didn't."

5 MR. BRESNICK: "Question: You're not even ready to
6 commit to the fact that it was there, right?"

7 MS. HORAY: "Nine times out of ten it was there but
8 you're talking about two years ago and me going through
9 general stuff that wasn't pertinent to me right then."

10 MR. BRESNICK: "Question: Where was this extra ammo
11 found in your house?"

12 MS. HORAY: "I have no idea. I don't know where
13 anything is really. All I was told was this is where -- this
14 is what we got, they gave me a list of things that they had.
15 A lot of things that they said was not on my list."

16 MR. BRESNICK: "Question: Well, did you take stuff
17 out of your grandfather's boxes and plop it in different
18 places in your house?"

19 MS. HORAY: "Most of the stuff was just downstairs."

20 MR. BRESNICK: "Question: Downstairs?"

21 MS. HORAY: "Yes."

22 MR. BRESNICK: "Question: Where was the dining room
23 located?"

24 MS. HORAY: "Upstairs."

25 MR. BRESNICK: "Question: There's a drawer in the

1 dining room, right?"

2 MS. HORAY: "On my table."

3 MR. BRESNICK: "Question: There's a drawer in the
4 table in dining room where you and your kids eat, correct?"

5 MS. HORAY: "I eat there. My kids don't eat there."

6 MR. BRESNICK: "Question: But you eat there, and
7 when your mom comes over or your family comes over, they eat
8 there, correct?"

9 MS. HORAY: "If they're there, yes."

10 MR. BRESNICK: "Question: There's a box of 40
11 caliber ammunition found in the drawer of your dining room
12 table -- your dining table, is that right?"

13 MS. HORAY: "No, that's not right. I would never
14 have ammunition anywhere where my kids could access it."

15 MR. BRESNICK: "Question: So the box of 40 caliber
16 ammunition found in the drawer of the dining room table right
17 near the kitchen, that was not your 40 caliber ammunition, was
18 it?"

19 MS. HORAY: "This is the first time I'm hearing of
20 any ammunition being found in the dining room table."

21 MR. BRESNICK: "Question: Right, so you didn't pull
22 it out of your grandfather's box in his attic and put it in
23 our dining room table, did you?"

24 MS. HORAY: "No, I did not."

25 (Reading of Tab 180 concluded.)

1 MR. BRESNICK: All right, Your Honor, we can turn
2 now to Tab 181 and that should be in the juror's books --
3 binders. This is Government's Exhibit 600-12, page 130, lines
4 one to 14.

5 Do you have that, Agent?

6 MS. HORAY: I do.

7 (Mr. Bresnick reads from transcript.)

8 MR. BRESNICK: "Question: No, I'm -- I'm asking
9 about the cash lying around your house where you live. You're
10 saying that was not his money?"

11 MS. HORAY: "No, it was not."

12 MR. BRESNICK: "Question: Your -- your" --

13 MS. HORAY: "Money in my home belonged to basically
14 me or my family."

15 MR. BRESNICK: "Question: Basically?"

16 MS. HORAY: "If it -- if you got it off his person,
17 then it was his."

18 MR. BRESNICK: "Question: So if they took it off
19 his pocket it was his, otherwise it was yours?"

20 MS. HORAY: "Exactly."

21 Reading of Tab 181 concluded.)

22 MR. BRESNICK: And Tab 182, Your Honor, Government's
23 600-13. It's page 130, line 18 to page 131, line nine.

24 (Mr. Bresnick reads from transcript.)

25 MR. BRESNICK: "Question: You weren't getting ready

1 to buy a car lot, were you, with that money?"

2 MS. HORAY: "No, I wasn't."

3 MR. BRESNICK: "Question: And neither was he, is
4 that right?"

5 MS. HORAY: "How could you buy a car lot?"

6 MR. BRESNICK: "Question: Well, you're looking at
7 me with a crazy look but you" --

8 MS. HORAY: "How could he buy a car lot with
9 something that didn't belong to him?"

10 MR. BRESNICK: "Question: Well, you know, I don't
11 know. I'm asking you, is that the case? Was he going to buy
12 a car lot with that money or not?"

13 MS. HORAY: "Not with anything that was in my
14 possession."

15 MR. BRESNICK: "Question: You weren't going to buy
16 a car lot?"

17 MS. HORAY: "No. I had no intentions of buying a
18 car lot."

19 MR. BRESNICK: And that's all for the reading of the
20 transcripts, Your Honor. If I could just call Agent Bowman
21 back to the stand for some brief testimony.

22 THE COURT: All right, you may --

23 MR. HETZNECKER: Your Honor, if I may have one
24 question of Agent Horay while she's sitting there -- a brief
25 question? Just one question of Agent Horay?

1 THE COURT: Let's go to sidebar.

2 (Sidebar discussion as follows:)

3 MR. HETZNECKER: All I'm going to ask her -- because
4 the transcript's in front of her, is just the time it started
5 and the time it ended. That's it.

6 MR. BRESNICK: Well, at least --

7 THE COURT: Well, Agent Bowman can --

8 MR. BRESNICK: Maybe Bowman can testify to that,
9 Your Honor.

10 MR. HETZNECKER: That's fine, Your Honor.

11 MR. BRESNICK: I'll explain it and I can stipulate
12 as well.

13 THE COURT: You can stipulate it --

14 MR. BRESNICK: Of course. That's fine.)

15 (Sidebar discussion concluded.)

16 THE COURT: You may step down.

17 MS. HORAY: Thank you, Your Honor.

18 (Agent Horay leaves the witness stand.)

19 MR. BRESNICK: Agent Bowman, can you please retake
20 the stand?

21 Your Honor, the Government stipulates that the
22 testimony of the defendant, Thais Thompson, began at 10:27
23 a.m. on June 7, 2006 and concluded at 12:58 p.m.

24 MR. HETZNECKER: Thank you.

25 THE COURT: All right. Agent, you're still under

1 oath.

2 THE WITNESS: Yes, sir.

3 DIRECT EXAMINATION

4 BY MR. BRESNICK:

5 Q Hello, Agent.

6 A Hello.

7 Q Agent, at the time that Ms. Thompson testified in the
8 Grand Jury on June 7th, 2006, had your investigation in this
9 case concluded or was it still ongoing?

10 A It was still ongoing.

11 Q And generally, what types of -- what were you
12 investigating? What types of things were you looking at?

13 A Really the whole overall investigation was still ongoing,
14 particularly some of the financial parts of the investigation.
15 We were reviewing all the evidence that we had -- still
16 reviewing all of the evidence that we recovered on August
17 10th, 2005 so it was just a systematic ongoing process at that
18 time.

19 Q Agent, was the source of the cash recovered from 5 North
20 Burden Hill Road, was that part of the investigation as well?

21 A Certainly. We -- the source of that large amount of money
22 would certainly be of interest to us in our investigation,
23 yes.

24 Q In addition, Agent, were you interested in knowing whether
25 or not Mr. Morris had any financial holdings of any kind?

1 A Yes.

2 Q And why is that?

3 A It certainly could explain where that money came from.

4 Q And you would have been interested in financial holdings
5 of Mr. Coles and others, is that right?

6 MR. WARREN: Objection.

7 THE COURT: Objection sustained.

8 MR. BRESNICK: Very well.

9 BY MR. BRESNICK:

10 Q Sir, and are you also interested or was it an interest to
11 you at any point in your investigation of knowing whether or
12 not one person might be paying for another person's lawyer?

13 MR. HETZNECKER: Objection.

14 MR. WARREN: Objection.

15 THE COURT: Objection sustained.

16 BY MR. BRESNICK:

17 Q Well, sir, do you know who was paying for Mr. Coles'
18 lawyer?

19 MR. WARREN: Objection.

20 THE COURT: Objection sustained, counsel.

21 MR. BRESNICK: Oh, that's sustained as well, Your
22 Honor? All right. Might I -- it's -- might I see you at
23 sidebar? I apologize.

24 (Sidebar discussion as follows:)

25 MR. BRESNICK: Your Honor, one of the elements of a

1 perjury case is that the information is material, not just
2 that there was a lie, if it's a material lie, and I just
3 wanted to ask the witness whether or not it was material that
4 -- who paid for Mr. Coles' lawyer because Ms. Thompson
5 testified she never paid \$25,000 in cash to anybody when, in
6 fact, the evidence shows that she paid \$25,000 in cash.

7 MR. HETZNECKER: First of all, it assumes a fact not
8 in evidence. She dropped off \$25,000. That's not material to
9 the perjury count at all. She could have been running an
10 errand for somebody.

11 THE COURT: The jury will have to determine whether
12 or not it's material.

13 UNIDENTIFIED SPEAKER 1: Your Honor, it's true that
14 the jury may have to but (inaudible) any sense that the
15 question has to be asked was it important to them in the
16 investigation?

17 MR. BRESNICK: As with any bank fraud or anything
18 like that.

19 UNIDENTIFIED SPEAKER: Somebody has to be asked that
20 question or else the defense comes back and says we never put
21 on the evidence of materiality and then they may move to
22 dismiss under Rule 29. So we're at -- we're at -- I mean,
23 I've been -- perhaps we could just ask the witness the --
24 what's the Government's interested in finding out if Ms.
25 Thompson had 25,000 in cash at some point.

1 UNIDENTIFIED SPEAKER: My response is whether or not
2 they're interested in it I think is something we can argue in
3 closing. That's the issue, not whether or not the agent --

4 THE COURT: I'll permit that question.

5 MR. BRESNICK: Thank you, Your Honor.

6 (Sidebar discussion concluded.)

7 BY MR. BRESNICK:

8 Q Agent, were you interested in knowing whether or not Ms.
9 Thompson had \$25,000 in cash at any time?

10 A Yes.

11 Q All right.

12 MR. BRESNICK: I have no more questions, Judge.

13 MR. WARREN: I have no questions, Judge.

14 CROSS-EXAMINATION

15 BY MR. HETZNECKER:

16 Q Good morning, Agent Bowman.

17 A Good morning, Mr. Hetznecker.

18 Q Agent Bowman, you had indicated that you -- and I don't
19 want to reiterate this but again, you're one of the co-agents
20 investigating this case, correct?

21 A That's correct.

22 Q And you had access to the information that had been
23 garnered by your agency during the course of this
24 investigation, correct?

25 A Correct.

1 Q And it's fair to say that on June 6th, 2006, my client was
2 not charged with any criminal offense at that time, is that
3 correct?

4 A Yes, that's correct.

5 Q So she was not charged with operating a stash house,
6 correct, at that time?

7 A No.

8 Q She was not charged with a 924(c) count, is that correct,
9 at that time, is that correct?

10 A That's correct.

11 Q And she was not charged with any other offense, obviously
12 not with any perjury counts, is that correct?

13 A On June --

14 Q On June 7th, obviously, right? She wasn't charged --

15 A Yes, that's correct.

16 Q So there were no charges that you were aware of at that
17 time, is that correct, pending against her?

18 A That's correct.

19 Q Now, we've heard from Kristina Latney and we've heard from
20 I believe Gusto, right?

21 A Yes, we have.

22 Q Both cooperating witnesses, correct?

23 A Correct.

24 Q Both testified before the Grand Jury, is that correct?

25 MR. BRESNICK: Objection, Your Honor.

1 MR. HETZNECKER: Well, I think it's a fair question.
2 I'll lay a foundation.

3 THE COURT: Go ahead.

4 BY MR. HETZNECKER:

5 Q Witnesses are called before the Grand Jury for a number of
6 different reasons, are they not?

7 A Yes.

8 Q Often times, witnesses are called before the Grand Jury as
9 cooperating witnesses, witnesses that are already -- made a
10 deal with the Government, correct?

11 A Correct.

12 Q All right. And those witnesses are prepared in advance,
13 correct?

14 A Well, if I could correct my last statement, they haven't
15 made a deal, at the end of your last question you said --

16 Q In the process of making a deal.

17 A Yeah. There's -- well, I wouldn't use the word deal.

18 Q A cooperation agreement, is that fair to say?

19 A Fair to say, yes.

20 Q All right. And when I say cooperation agreement,
21 agreement meaning a deal, an agreement with the Government,
22 correct? Is that fair to say?

23 MR. BRESNICK: Objection.

24 THE COURT: Objection sustained.

25 MR. HETZNECKER: All right.

1 BY MR. HETZNECKER:

2 Q Just so we're clear about it, the witnesses that are
3 called before the Grand Jury that have made an agreement, they
4 sit down and they discuss their testimony with the prosecutors
5 and the agent before they testify before the Grand Jury, is
6 that fair to say?

7 A Not all the time. I don't remember the specific incidents
8 with Ms. Latney or Mr. Gusto, if they had a cooperation
9 agreement at the time. They may or may not have. I really
10 don't recall.

11 Q Here's my question. You sat here throughout the course of
12 most of this trial, did you not?

13 A I have, yes.

14 Q Did you sit through the testimony of Kristina Latney?

15 A I did.

16 Q Did you sit through the testimony of Gusto?

17 A I did.

18 Q And do you recall them testifying --

19 MR. BRESNICK: Objection to -- objection to Gusto.
20 That's not his name and I'm not sure where this whole line of
21 questioning is going.

22 MR. HETZNECKER: Well, if I could -- if I could --

23

24 THE COURT: Why don't you ask the question and then
25 we'll take the objection.

1 BY MR. HETZNECKER:

2 Q Do you recall that in fact both of them attended proffer
3 sessions before they testified before the Grand Jury? Do you
4 recall that testimony?

5 A Yes.

6 Q All right. So it's fair to say that the witnesses that
7 are called that have cooperation agreements that are called
8 before the Grand Jury generally sit down with the prosecutors
9 and the questions and answers are gone over before they
10 testify before the Grand Jury, is that fair to say?

11 Generally.

12 A Generally, yes.

13 Q And specifically in the case of Kristina Latney and
14 Gusto --

15 MR. BRESNICK: Objection, Your Honor.

16 MR. HETZNECKER: -- they were both provided with
17 those questions and they gave their answers before testifying
18 before the Grand Jury, correct?

19 THE COURT: Is that a question?

20 MR. HETZNECKER: It is.

21 THE COURT: Did they?

22 THE WITNESS: I don't -- I don't know.

23 MR. HETZNECKER: All right. Fair enough.

24 MR. BRESNICK: Your Honor, if Mr. Hetznecker could
25 just refer to Mr. Costas (phonetic) by his name.

1 MR. HETZNECKER: I apologize.

2 BY MR. HETZNECKER:

3 Q You don't know.

4 A I don't know, no.

5 Q So based on their testimony, to the best of your
6 recollection, you don't recall if that's in fact what they
7 said, is that correct?

8 A I don't --

9 Q That they attended proffer sessions before they testified
10 before the Grand Jury.

11 A Well, yeah, they did attend proffer sessions, yes.

12 Q All right. So the questions and the answers before they
13 got before a Grand Jury were already provided to the
14 prosecutor and the agent --

15 MR. BRESNICK: Objection.

16 MR. HETZNECKER: -- before they went in there,
17 correct?

18 MR. BRESNICK: Objection, Your Honor.

19 THE COURT: Is that correct?

20 THE WITNESS: I -- I do not remember when they went
21 to the Grand Jury -- before -- I don't -- there was a lot of
22 Grand Jury testimony. I don't remember the exact dates of
23 when things occurred.

24 BY MR. HETZNECKER:

25 Q All right. You've testified before the Grand Jury on a

1 number of occasions, have you not?

2 A I have.

3 Q And in fact, a Grand Jury is a room in which there are
4 about 23 -- there are 23 people, correct?

5 A Not always --

6 Q Not always, right --

7 A -- but it varies.

8 Q All right. It varies. And prosecutors ask questions,
9 correct?

10 A Correct.

11 Q And during the course of the questioning, the witnesses
12 will provide those -- those answers to the questions as best
13 they can, correct?

14 A Yes.

15 Q And that includes you as well, right?

16 A Correct.

17 Q As best you can.

18 A Yes.

19 Q Based on information that you've received -- either you
20 know directly, firsthand or based on information you've
21 received, correct?

22 A Correct, it's one of the ways, yes.

23 Q And when you're testifying before a Grand Jury, you often
24 have access -- in fact, you do have access to -- before
25 testifying, charts, evidence, physical evidence, photographs,

1 documents -- you have access to all of that before you're
2 called before a Grand Jury generally, is that correct?

3 A On some occasions, yes.

4 Q On most occasions, right?

5 MR. BRESNICK: Objection, Your Honor.

6 MR. HETZNECKER: Well, let --

7 THE COURT: Objection is sustained.

8 BY MR. HETZNECKER:

9 Q You're not going to go before a Grand Jury unprepared, are
10 you?

11 A Sometimes I memorize it, sometimes I -- if there's charts
12 needed, it varies.

13 Q Fair enough. You're also aware of the fact -- because by
14 the way, you sat here during the testimony of Agent Weiers and
15 Christina Kelliher.

16 MR. BRESNICK: Objection, Your Honor. May we --

17 THE COURT: Objection sustained.

18 MR. BRESNICK: May we approach sidebar?

19 (Sidebar discussion as follows:)

20 MR. BRESNICK: Sorry, but Mr. Hetznecker continues
21 to ask the witness to comment on testimony about other
22 witnesses at this trial. It's clearly improper --

23 MR. HETZNECKER: I understand.

24 MR. BRESNICK: -- and I don't want to raise it in
25 front of the jury but it is clearly improper to ask

1 continually to comment on other testimony at this trial.

2 THE COURT: There's no question that's exactly what
3 you're doing.

4 MR. HETZNECKER: Can I do this then? Let me ask
5 this, can I ask him whether or not he's aware of the fact that
6 she was not shown any of the exhibits or any of the documents
7 before her Grand Jury testimony? Can I ask him that question?
8 And I'll leave it alone, I'll leave it at that.

9 THE COURT: You can ask him whether or not --

10 MR. HETZNECKER: I'll do that. All right. Thank
11 you.

12 (Sidebar discussion concluded.)

13 MR. HETZNECKER: Thank you, Your Honor.

14 BY MR. HETZNECKER:

15 Q Let me ask you this question, Agent Bowman. Are you aware
16 whether -- are you aware whether or not my client, Ms.

17 Thompson, was shown photographs of the evidence that was taken
18 from her house, the actual evidence that was taken from her
19 house, including documents, ammunition, money, bags of money

20 -- were you aware whether or not she was shown any of that
21 before she testified before the Grand Jury on June 6th, 2006
22 -- June 7th, 2006?

23 A No, I'm not.

24 Q You're not aware? Okay.

25 MR. HETZNECKER: I have no further questions of this

1 witness. Thank you, Agent Bowman.

2 CROSS-EXAMINATION

3 BY MR. THOMPSON:

4 Q You're one of the case agents in this case, correct?

5 A Correct.

6 Q Fair to say you are intimately familiar with the facts
7 concerning this investigation?

8 A That's fair to say, yes.

9 Q And concerning the money that was found at the house, the
10 half million dollars or so, as you testified, you were
11 certainly interested in determining where the money came from,
12 correct?

13 A Yes.

14 Q Okay. Now you were aware, were you not, that Ms. Thompson
15 said her grandfather left it to her, correct?

16 UNIDENTIFIED SPEAKER: Objection, Your Honor. The
17 testimony is what it is. That wasn't Agent Bowman's
18 testimony.

19 THE COURT: That objection is overruled.

20 BY MR. THOMPSON:

21 Q You were aware that Ms. Thompson claim her grandfather
22 left her the money or most of it, correct?

23 A I believe I was told that after her Grand Jury testimony.

24 Q I understand. And you were also told that she recovered
25 it at 333 East Broadway Street, correct? Her grandfather's

1 house.

2 A I don't -- I don't recall that. I don't recall that
3 specifically.

4 Q Okay. Well, did you ever go to 333 East Broadway Street
5 in an effort to investigate whether or not the money came from
6 that house?

7 A I did not, no.

8 Q Do you know of any agent who went to 333 East Broadway to
9 investigate whether the money came from that house?

10 A I'm not sure about that.

11 Q Okay. Did you ever make any effort to interview Ms.
12 Thompson's grandmother, Charlotte Fletcher?

13 A I don't believe so.

14 Q Do you know of any other agent who may have made an effort
15 to interview Ms. Charlotte Fletcher?

16 A I'm not sure.

17 Q Agent, you don't have any way of knowing whether or not
18 that money was given to Ms. Thompson by her grandfather, do
19 you?

20 A Based on -- based on our overall investigation, I don't
21 believe it was, no.

22 MR. HETZNECKER: Objection, objection, as to his --

23 MR. THOMPSON: Well, I'm going to object. Non-
24 responsive.

25 MR. HETZNECKER: Judge, move to strike.

1 THE COURT: The question was asked and he answered
2 it.

3 BY MR. THOMPSON:

4 Q I understand what you believe but I'm asking you about
5 what you know. You don't know that she didn't get the money
6 from her grandfather, do you? Do you need me to repeat the
7 question?

8 A I just don't want another objection, I guess. I don't
9 know.

10 Q Now, you're aware, are you not, that Ms. Thompson's
11 grandfather died I believe it was February of 2004, correct?

12 A That's -- that's what she says. I'm not aware of that
13 personally.

14 Q Okay. The bags of cash that were recovered from the
15 house, you didn't look through the bags of cash to determine
16 whether there were any dollar bills, any US currency that was
17 dated after her grandfather died, did you?

18 A I did not.

19 Q You don't know of any other agent that did, do you?

20 A No.

21 Q Well, can we go today and look through the bag and see if
22 there are any bills that were printed in 2005?

23 A No.

24 Q Why can't we do that?

25 A The money has been seized. It's already been forfeited.

1 Q Well, if it's seized, in whose possession is the money
2 now?

3 MR. BRESNICK: Objection, Your Honor.

4 THE COURT: Objection sustained.

5 BY MR. THOMPSON:

6 Q Is it not true that the money had been deposited into the
7 bank?

8 A That's true, yes.

9 Q It's not available?

10 A That's right.

11 Q Did you ever attempt to interview any of Ms. Thompson's
12 family members concerning whether or not her grandfather
13 stored cash in his house?

14 A I served subpoenas to I believe Ms. Thompson's mother but
15 I -- I personally did not conduct any interviews.

16 Q Well, do you know of any other agents who may have
17 conducted interviews of members of Ms. Thompson's family in an
18 effort to find that information out?

19 A I'm not sure about that.

20 Q Okay. Well, you served subpoenas on Ms. Thompson's
21 mother?

22 A To the best of my recollection, yes, I believe I did, yes.

23 Q But you're not sure.

24 A I can't be a hundred percent.

25 Q So you could be mistaken about even that.

1 A I wouldn't say mistaken. I just -- I served a large
2 number of subpoenas and I'm fairly certain I served a subpoena
3 on a family member of Ms. Thompson. I'm not sure if it was
4 the mother, father, somebody. I'm not sure.

5 Q By the way, Agent, as I sit here -- stand here asking you
6 questions, I notice before you give your response you turn and
7 look at the jury. Is that --

8 THE COURT: Counsel, ask questions.

9 MR. THOMPSON: Withdrawn.

10 BY MR. THOMPSON:

11 Q Have you been able to confirm --

12 MR. THOMPSON: -- can I have a moment, Your Honor,
13 please?

14 (Pause in proceedings.)

15 BY MR. THOMPSON:

16 Q Agent, you're aware that both Ms. Thompson's father and
17 mother were subpoenaed to the Grand Jury?

18 A I believe they were, yes.

19 Q And you know they didn't give any information inconsistent
20 with Ms. Thompson's testimony to the Grand Jury --

21 MR. BRESNICK: Objection.

22 MR. THOMPSON: -- are you aware of that?

23 THE COURT: The objection is sustained.

24 MR. THOMPSON: Withdrawn, Your Honor. No further
25 questions.

1 MR. HARMELIN: May I, Your Honor?

2 CROSS-EXAMINATION

3 BY MR. HARMELIN:

4 Q How are you doing, Agent Bowman?

5 A How are you?

6 Q I'm going great. I'm through the obstacle course. I'm
7 back up here. So on June 7th, your investigation was still
8 ongoing, right?

9 A Yes.

10 Q I'm sorry, June 7th, 2006.

11 A Yes.

12 Q And it's been ongoing, right?

13 A We're in Court today, yes.

14 Q That's what I mean. Okay. And because your investigation
15 continued to be ongoing and more information was learned by
16 ATF, the Government decided periodically to file -- go back to
17 the Grand Jury, present whatever the new stuff was and ask for
18 superseding indictments, right?

19 A Yes. The evidence drives the case.

20 Q Okay. So that if new evidence comes up, I don't know,
21 September 1st, 2006 and you think it's important you go in
22 front of the Grand Jury and say --

23 MR. BRESNICK: Objection, Judge.

24 MR. HARMELIN: -- can we have a superseding
25 indictment?

1 THE COURT: Is that an objection?

2 MR. BRESNICK: It's an objection, Your Honor, yes.

3 THE COURT: Sustained.

4 BY MR. HARMELIN:

5 Q Well, as more information was learned, you went back to
6 the Grand Jury and got other indictments, right?

7 MR. BRESNICK: Objection, Your Honor. What's this
8 have to do with the Grand Jury testimony?

9 MR. HARMELIN: It has to do with the continuing
10 nature of his investigation that he testified to.

11 THE COURT: The objection is sustained.

12 MR. HARMELIN: I'll rephrase the question.

13 BY MR. HARMELIN:

14 Q If you learn more information, can you seek a superseding
15 indictment?

16 A As I stated, the evidence drives the investigation. We
17 don't make haphazard decisions on what we're going to do.
18 It's evidence driven.

19 Q And is there a day, like a statute of limitations where
20 you have to stop --

21 MR. BRESNICK: Objection, Your Honor.

22 THE COURT: Sustained.

23 BY MR. HARMELIN:

24 Q So the evidence drives whether you seek a superseding
25 indictment, correct?

1 A And the decision of the US Attorney's Office, yes.

2 Q Thanks.

3 THE COURT: Any more questions of Agent Bowman?

4 MR. BRESNICK: No, Your Honor.

5 THE COURT: You may step down.

6 (This completes the requested portion. The balance
7 of this day was done under separate cover.)

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C E R T I F I C A T I O N

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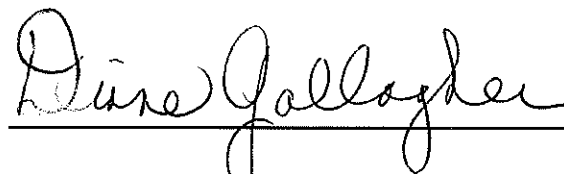
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May 23, 2008

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DIANE GALLAGHER

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DIANA DOMAN TRANSCRIBING

23